



RECORD RESTRICTION

*Superior Court Clerks Conference
April 30, 2014*

"Restrict," "restricted," or "restriction" means that the criminal history record information of an individual relating to a particular charge shall be available only to judicial officials and criminal justice agencies for law enforcement or criminal investigative purposes or to criminal justice agencies for purposes of employment in accordance with procedures established by the center and shall not be disclosed or otherwise made available to any private persons or businesses pursuant to Code Section 35-3-34(6)

What is record restriction or expungement?

- Georgia's old law used the term "expungement, which implied that criminal records information was deleted or destroyed. In reality, criminal records were not deleted or destroyed; the term "expungement" simply meant that the information was unavailable to be viewed for all purposes except law enforcement and criminal justice.
- Georgia's new law, effective July 1, 2013, does not use the word "expungement." Instead, the process is now referred to as "record restriction." Only the name of the process has changed. Record restriction means that eligible records on the official criminal history report are restricted from public view and are only accessible to law enforcement for criminal justice purposes.

O.C.G.A. §35-3-36 Duties of State Criminal Justice Agencies

- **Duties of state criminal justice agencies as to submission of fingerprints, photographs, and other identifying data to center; responsibility for accuracy.**
- (b) It shall be the duty of all chiefs of police, sheriffs, prosecuting attorneys, **courts**, judges, parole and probation officers, wardens, or other persons in charge of penal and correctional institutions in this state to furnish the center with any other data deemed necessary by the center to carry out its responsibilities under this article.
- (g) All persons in charge of law enforcement agencies, **all clerks of court**, all municipal judges where they have no clerks, all magistrates, and all persons in charge of state and county probation and parole offices shall supply the center with the information described in Code Section 35-3-33 on the basis of the forms and instructions to be supplied by the center.

GCIC Council Rule 140-2-.03

- (a) When a district attorney or solicitor makes a final disposition decision, it is the duty of this official to forward the disposition information to GCIC.
- **(b) When a final disposition or modification of earlier disposition decision occurs in a court of competent jurisdiction, it is the court's duty to forward the disposition information to GCIC.**
- **(3) Responsible agencies must forward final disposition information to GCIC within 30 days of the final disposition decision.**

Does restriction happen automatically?

- **Under the new law, if the arrest is not referred for prosecution,** it will be restricted from the GCIC criminal history record automatically after a period of two (2) years for misdemeanors, O.C.G.A. § 35-3-37(h)(1)(A)(ii)(I)
- four (4) years for most felonies, O.C.G.A. § 35-3-37(h)(1)(A)(ii)(II) (other than a serious violent felony or a felony sexual offense specified in Code Section 17-3-2.1 involving a victim under 16 years of age, four years)
- seven (7) years for serious violent and sex-related felonies. O.C.G.A. § 35-3-37(h)(1)(A)(ii)(III) specified in Code Section 17-3-2.1 involving a victim under 16 years of age, seven years.
- These automatic provisions of the law apply to arrests before and after July 1, 2013.
- If a record is automatically restricted, however, and later a disposition is entered that does not qualify for restriction, the law requires that the record be “unrestricted” by GCIC.

Seven (7) years for these serious violent/sexual felonies:

- Murder
- Kidnapping
- Armed Robbery
- Human Trafficking
- Cruelty to Children
- Rape
- (Aggravated) Sodomy
- Incest
- Aggravated Sexual Battery
- Statutory Rape
- (Aggravated) Child Molestation
- Enticing a Child for Indecent Purposes
- O.C.G.A. § 35-3-37(h)(I)(A)(ii)(III)

If there is no conviction, why is the charge still on the criminal history?

- ***If the arrest was before July 1, 2013***, the record remains on the official criminal history unless the charge(s) qualifies for record restriction and the applicant completes the restriction application process.
- ***If the arrest is after July 1, 2013*** and the charge(s) qualify for restriction, the arrest(s) will be restricted by GCIC when the disposition is entered into the GCIC database by the prosecutor or clerk of court. The records of the arresting agency will be restricted within thirty (30) days of the entry of the disposition into GCIC's database.
- Regardless of the date of the arrest, if the case was placed on the dead docket the applicant will need to wait twelve (12) months from the date the case was placed on the dead docket to file an action in superior court for restriction.
- If the DD was ordered because the defendant cannot be located: using the charging Court segment in CCH; you can enter the code 508: WARRANT ISSUED; make a note in the comments field "Bench Warrant" and it will prevent time expired restriction

How to Restrict (Expunge) Records of a Case that was Dismissed or Otherwise Closed without Conviction and Seal the Court Records

When a charge is dismissed or otherwise closed without conviction, the defendant may qualify for restriction (expungement). *See O.C.G.A. 35-3-37(h).*

ELIGIBILITY:

1. Case was dismissed, not prosecuted, not presented to the grand jury (NPGJ), or twice no-billed by the grand jury; or
2. the defendant was acquitted (found not guilty) of all charges.

NOTE: the defendant does not qualify for restriction if the defendant's charge was indicted but later closed without conviction because:

- the defendant pled guilty to another charge in the case;
- the defendant was involved in a pattern of criminal activity prosecuted in another jurisdiction;
- The prosecution could not use important evidence against the defendant (evidence was suppressed);
- the defendant was acquitted, but there was evidence of jury tampering or judicial misconduct.
- the defendant had some form of immunity

PROCESS FOR GCIC/ARRESTING AGENCY RECORDS:

Eligible arrests occurring after July 1, 2013 will be restricted (expunged) from the defendant's criminal history by the Georgia Crime Information Center (GCIC) as soon as the disposition is entered into the GCIC database, and the arresting agency within thirty (30) days of the entry.

Eligible arrests occurring before July 1, 2013 must be restricted by completing a multi-step application process. The process can take up to 150 days and is as follows:

1. Contact the arresting law enforcement agency for the requirements to restrict a record. Submit the application and any other required documentation. There is usually a processing fee of \$25.00, though the agency can charge up to \$50.00. [A copy of the Application](#) is included with these instructions.

Applications can also be found at:

https://gbi.georgia.gov/sites/gbi.georgia.gov/files/related_files/site_page/Request%20to%20Restrict%20Arrest%20Record%20Instructions%20and%20Request%20Form.pdf

Within thirty days (30) of receiving the application, the arresting agency must forward the application to the prosecuting attorney's office to verify that charges qualify for restriction.

Within ninety (90) days of receipt from the arresting agency, the prosecuting attorney must decide whether the record will be restricted (expunged) – based on the criteria in the law – and return the application to the arresting agency. If approved, the arresting agency must restrict the information within thirty (30) days and return the application to the defendant at the address the defendant provided on the application. If the application is approved, the defendant must send it to GCIC with a \$25.00 money order to restrict the charge from the defendant's official Georgia criminal history record. **If the application is denied, the defendant has thirty (30) days to appeal by civil action in superior court.**

**GEORGIA BUREAU OF INVESTIGATION
GEORGIA CRIME INFORMATION CENTER
AGENCY INSTRUCTIONS FOR REQUEST TO RESTRICT (EXPUNGE)
ARREST RECORD
For Arrests Prior to 07/01/2013**

1. O.C.G.A. §35-3-37 provides for the restriction of certain criminal history records for non-criminal justice purposes when approved by the prosecuting attorney.

- ☐ For arrests prior to July 1, 2013 the applicant is required to apply for restriction at the arresting agency. Arresting agencies may require a processing fee not to exceed \$50.00 as authorized per §35-3-37.
- ☐ The REQUEST TO RESTRICT ARREST RECORD is a three section (page) form.
- ☐ **Section One** is completed by the applicant. Each request form may contain only one (1) Date of Arrest (there may be multiple charges for that arrest).
- ☐ **Section Two** is completed by the arresting agency. The entire form is forwarded to the prosecutor for approval/denial.
- ☐ **Section Three** is completed by the prosecutor. If approved, the prosecutor may enter the appropriate disposition restriction code using the GCIC CCH User Interface and notify the applicant that the restriction is complete. The arresting agency will receive a notification from GCIC that the record has been restricted. ***If the prosecutor enters the restriction in the CCH User Interface the application and fee should not be forwarded to GCIC.***
- ☐ If the prosecutor does not have access to the CCH User Interface, the application may be returned to the arresting agency.
- ☐ The arresting agency should advise the applicant to forward the *approved* application to GCIC including the GCIC processing fee. Incomplete applications or those missing the required fee will not be processed and will be returned to the applicant. Do not forward the restriction application to GCIC if the request is denied by the prosecutor.
- ☐ Applicants may send the approved Request to Restrict Arrest Record form and \$25.00 fee (money order or certified check payable to "Georgia Bureau of Investigation") to:

**Georgia Crime Information Center
Record Restrictions
P.O. Box 370808
Decatur, Georgia 30037-0808**

- ☐ GCIC will send an email notification to the applicant email address listed on Page 1 of the application when the restriction has been applied to the Georgia criminal history. GCIC does not mail notifications or provide copies of an approved Request to Restrict Arrest Record application.
 - ☐ To check the status of a request, contact the GCIC CCH/Identification Services Helpdesk at (404) 244-2639, Option 1 or email gacriminalhistory@gbi.ga.gov
2. For arrests occurring July 1, 2013 or later, there is no application process. The prosecutor may approve the restriction at the time of sentencing. If restriction is approved upon sentence completion, it should be noted in the sentencing documentation forwarded to the court.
3. When the restriction has been applied to the Georgia criminal history, access to that specific arrest cycle is restricted for non-criminal justice purposes (Employment/Licensing). However, such information may be available through other sources. GCIC has no control over information provided by local agencies or private vendors.

REQUEST TO RESTRICT ARREST RECORD

Prior to 07/01/2013

O.C.G.A. §35-3-37

One (1) Date of Arrest per Request

GBI Use Only

Money Order _____
Certified Check _____
GBI Reference # _____

~~SECTION ONE - APPLICANT INFORMATION~~ (Completed by Applicant)

Name: _____

Date of Birth: _____ Race: _____ Sex: _____

Social Security Number: _____

Telephone Number: _____ Email: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Arresting Agency: _____

Date of Arrest: _____

Offense(s) Arrested For: _____

Sections One and Two of this form must be completed in their entirety before request may be submitted to the Prosecuting Attorney's Office.

I request the arrest record information (Date of Arrest and associated charges) described above pertaining to me be restricted from the record(s) of the arresting agency pursuant to the provisions of O.C.G.A. 35-3-37.

Signature: _____ Date: _____

SECTION TWO - ARREST INFORMATION
(Completed by Arresting Agency)

Date Request Received: _____

Applicant's State Identification Number (SID): GA

Offender Tracking Number
(OTN): _____

Arresting Agency Name: _____

Arresting Agency ORI Number: _____

Case / Citation / Docket Number: _____

Date of Arrest: _____

Arrest appears on Georgia and/or FBI criminal history record? ☐ Yes ☐ No

If arrest does not appear on either state or federal record, the record restriction cannot be processed.

Arrest Charge Tracking Number(s) and Charges: _____

Disposition of Arrest: _____

Disposition appears on Georgia criminal history record? ☐ Yes ☐ No

If No, attach official documentation containing disposition information. If official documentation is not available, please provide explanation and request for exception in Prosecutor's Comments, e.g., No Further Action Anticipated. (Without a disposition on file, official documentation, or request for exception, this request cannot be processed.)

Prosecuting Attorney/Court Case Referred To: _____

Official Completing Form:

Title: _____

Name: _____ Telephone Number: _____

Signature: _____ Email: _____

SECTION THREE - PROSECUTING ATTORNEY
(Completed by Prosecuting Attorney)

Date Request Received: _____

Judicial Circuit / County: _____

Prosecuting Agency ORI Number: GA

District Attorney / Solicitor General: _____

Prosecutor Assigned to Case: _____

Case / Citation / Docket Number: _____

Please select one of the following actions:

_____ Approved - Record Restriction Meets Statutory Requirements

_____ No Information Available; Record Restriction Forwarded Without Objection

_____ Approved - No Further Action Anticipated

_____ No Information Available at Prosecutor's Office; Returned to Arresting Agency for Further Research. **DO NOT FORWARD RESTRICTION FORM TO GCIC.**

_____ Denied - Restriction Does Not Meet Statutory Requirements **DO NOT FORWARD RESTRICTION FORM TO GCIC.**

If additional Charges from same Arrest Date, other than those identified on Page 2, are also approved for record restriction, list the Arrest Charge Tracking Number(s) and Charges in Prosecutor Comments.

Prosecutor Comments: _____

Prosecutor Completing Form:

Name: _____ Telephone Number: _____

Signature: _____ Email: _____

PROCESS FOR SEALING COURT RECORDS

To get the file of a defendant's restricted charges sealed they must file an action and show the court that the harm suffered by the clerk's record remaining public (i.e., denial of jobs, licensing, housing, etc.) outweighs the interest in the record being publicly available. In other words, the defendant needs the file sealed more than the public needs access to the file. See O.C.G.A. 35-3-37(m).

The process to seal the records of the court may be as follows:

1. Get a certified copy of the final disposition in the case from the clerk of court where your case was handled.
2. Prepare the motion. A sample motion is included
3. Sign and date the motion.
4. Indicate the case number assigned to the criminal case.
5. Attach the final disposition and any other required documentation.
(NOTE: They will not attach a copy of their criminal history.)

6. Attach any additional documentation showing that the presence of the record on your GCIC criminal history record is causing them harm (such as letters of employment or housing denials based on their background).
7. Make three copies of their original documents.
8. File the Motion and Draft Order in the criminal division of the clerk of court that handled the case. There should not be a filing fee. (NOTE: If the case was a felony, you should file the motion in the superior court. If the case was a misdemeanor, the motion should be filed in the state court.)
9. Deliver or send a copy of your Motion and Draft Order to the office of the prosecuting attorney in the original case and the clerk of court.
10. If you requested a hearing, the judge will hear testimony about whether record restriction is appropriate in your case.
11. If the judge finds that restriction is appropriate, he or she will sign the order. It must be filed with the clerk of the court that handled the case.

IN THE _____ COURT OF _____ COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

v.

OTN: _____

Case No: _____

_____,
Defendant, *Pro se*

DEFENDANT'S PRO SE MOTION TO SEAL CLERK OF COURT RECORDS

COMES NOW the Defendant, *pro se*, and moves this Honorable Court to grant this Motion to Seal Clerk of Court Records pursuant to O.C.G.A. § 35-3-37(m). In support of this motion Defendant shows the following:

1.

Defendant was arrested on the date of _____, and charged with the following offense(s): _____

2.

The above-styled case was resolved on the date of _____. (*See attached copy of final disposition*).

3.

The record was restricted on the date of _____, pursuant to O.C.G.A. §35-3-37. (*See attached copy of Approved Restriction Application or final disposition indicating restriction is appropriate*).

4.

Although the arresting agency and the Georgia Crime Information Center (GCIC) no longer disseminate the records of this case, potential employers and other decision-makers are

still able to obtain the records because the information remains public at the Clerk of

_____ Court for _____ County.

5.

The record of the case is harmful to the privacy of Defendant and this harm clearly outweighs the public interest in the charge(s) being publicly available. The charges significantly interfere with Defendant's ability to secure employment and/or housing and/or other opportunities. (See O.C.G.A. §35-3-37(m)). (*See attached documentation*).

WHEREFORE, Defendant respectfully requests that any and all criminal history record information, including index references pertaining to the charges in the above-referenced matter be sealed by the Clerk of _____ Court for _____ County pursuant to O.C.G.A. §35-3-37(m). In the alternative, Defendant requests that this motion be scheduled for a hearing.

Respectfully submitted this _____ day of _____, 20____.

Defendant, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

Case No: _____

_____,
Defendant, *Pro Se*

CERTIFICATE OF SERVICE

This is to certify that I have this day served the prosecuting attorney and the Clerk of Court
with a copy of **DEFENDANT'S PRO SE MOTION TO SEAL CLERK OF COURT**

RECORDS by hand delivery.

This the ____ day of _____, 20__.

Defendant, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

Defendant, *Pro se*

OTN: _____

Case No: _____

ORDER TO SEAL CLERK OF COURT RECORDS

This Court having considered the Defendant's *Pro Se* Motion to Seal Clerk of Court
Records pursuant to O.C.G.A. 35-3-37(m) and for good cause shown, it is hereby ORDERED
that the Motion is granted and the Clerk of _____ Court for _____
County is ordered to seal all criminal history record information, including index references
pertaining to the above-referenced case.

IT IS FURTHER ORDERED that no information regarding this case should be revealed
to any party, except judicial officials and criminal justice agencies for law enforcement, criminal
investigative or for law enforcement purposes, without order of the court.

SO ORDERED this _____ day of _____, 20____.

JUDGE, SUPERIOR COURT OF _____ COUNTY

Presented by:

Defendant, *Pro Se*

DEFENDANT'S *PRO SE* MOTION TO RESTRICT AND SEAL RECORDS OF
VACATED/REVERSED FELONY CONVICTION
PER O.C.G.A. § 35-3-37(j)(2), (m)

File Motion to Restrict a Vacated/Reversed Conviction if your case resulted in conviction in superior court.

Use the original indictment/case number in the header.

Use the Offender Tracking Number (OTN) for the specific arrest cycle provided on your GCIC criminal history record.

Disclaimer: Sample motions and petitions are provided for reference purposes only and do not create an attorney-client relationship with the Georgia Justice Project.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

Case No: _____

OTN: _____

_____,
Defendant, *Pro Se*

**DEFENDANT'S *PRO SE* MOTION TO RESTRICT AND SEAL RECORDS
OF VACATED/REVERSED FELONY CONVICTION**

COMES NOW Defendant, *pro se*, and moves this Honorable Court to grant this Motion to Restrict and Seal Records of Vacated/Reversed Felony Conviction pursuant to O.C.G.A. §35-3-37(j)(2), (m). In support of this motion, Defendant shows the following:

1.

Defendant was arrested on the date of _____, and charged with the offense(s) of: _____.

2.

Defendant was convicted on the date of _____, for offenses charged in the above-referenced case number. (*See attached copy of final disposition*).

3.

The felony conviction was either vacated by the trial court or reversed by order of the Georgia Court of Appeals or the Supreme Court of Georgia on the date of _____. (*See attached order of trial court or appellate decision*).

4.

The appellate process is complete and the state did not retry the case within two years of the date the order vacating or reversing the decision became final.

5.

Even though the conviction was vacated/reversed, the records of this case continue to be available to potential employers, housing providers, and others.

6.

The harm resulting to the privacy of Defendant outweighs the public interest of having the case information available to the public because it significantly interferes with Defendant's ability to secure employment and/or housing, and/or other opportunities. (See O.C.G.A. §35-3-37(m)). (*See attached documentation*).

WHEREFORE, Defendant respectfully requests that this Honorable Court grant this motion and order all criminal history record information pertaining to this case be restricted by the Georgia Crime information Center (GCIC) and all agencies maintaining such information in _____ County, including but not limited to the arresting agency and the jail/detention center, pursuant to O.C.G.A. §35-3-37(j)(2). In addition, Defendant requests the records of this case, including index references, be sealed by the Clerk of Superior Court in _____ County pursuant to O.C.G.A. §35-3-37(m). In the alternative, Defendant respectfully requests that this Honorable Court schedule a hearing on this motion within ninety (90) days of filing of said motion.

Respectfully submitted this the ____ day of _____, 20____.

Defendant, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

Case No: _____

_____,
Defendant, Pro Se

CERTIFICATE OF SERVICE

This is to certify that I have this day served the District Attorney and Clerk of Court with a copy of **DEFENDANT'S PRO SE MOTION TO RESTRICT AND SEAL RECORDS OF VACATED/REVERSED FELONY CONVICTION** by hand delivery.

This the ____ day of _____, 20__.

Defendant, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

_____,
Defendant, *Pro Se*

Case No: _____

OTN: _____

**ORDER TO RESTRICT AND SEAL RECORDS OF
VACATED/REVERSED FELONY CONVICTION**

This Court, having considered Defendant's Pro Se Motion to Restrict and Seal Records of Vacated/Reversed Felony Conviction, pursuant to O.C.G.A. §35-3-37(j)(2), (m) and for good cause shown,

IT IS HEREBY ORDERED that the Motion is granted and the Georgia Crime Information Center (GCIC) and every agency in _____ County, including but not limited to the arresting agency and the jail/detention center, is ordered to restrict all criminal history record information pertaining to the above-referenced case number pursuant to O.C.G.A. §35-3-37(j)(2).

IT IS FURTHER ORDERED that the records of this case, including index references, are to be sealed by the Clerk of Superior Court in _____ County pursuant to O.C.G.A. §35-3-37(m).

IT IS FURTHER ORDERED that information regarding the above-styled case
be disclosed only to judicial officials and criminal justice agencies for law enforcement purposes.
All other requests for disclosure may not be granted without Order of the Court.

SO ORDERED this the _____ day of _____, 20____.

JUDGE, SUPERIOR COURT OF _____ COUNTY

Presented by:

Defendant, *Pro Se*

PETITIONER'S *PRO SE* PETITION TO RESTRICT AND SEAL RECORD OF
VACATED/REVERSED MISDEMEANOR CONVICTION
PER O.C.G.A. § 35-3-37(j)(2), (m)

File Petition to Restrict a Vacated/Reversed conviction if your case resulted in conviction in a court other than superior court.

This is a civil petition. Leave case number and judge blank in header, the clerk of court will fill in the information at time of filing.

Use the Offender Tracking Number (OTN) for the specific arrest cycle provided on your GCIC criminal history record.

Disclaimer: Sample motions and petitions are provided for reference purposes only and do not create an attorney-client relationship with the Georgia Justice Project.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____ Petitioner, <i>Pro Se</i>		OTN: _____
v.		Case No: _____
_____, Respondent, Solicitor General		Judge: _____

**PETITIONER'S *PRO SE* PETITION TO RESTRICT
AND SEAL RECORDS OF VACATED/REVERSED MISDEMEANOR CONVICTION**

COMES NOW **Petitioner**, *pro se*, and moves this Honorable Court to grant this Petition to Restrict and Seal Records of Vacated/Reversed Misdemeanor Conviction pursuant to O.C.G.A. §35-3-37(j)(2), (m). In support, Petitioner shows the following:

1.

Petitioner was arrested on the date of _____, and charged with the offense(s) of: _____

_____.

2.

Petitioner was convicted of a misdemeanor offense(s) on the date of _____ . (See attached copy of final disposition).

3.

The misdemeanor conviction was either vacated by the trial court or reversed by order of the Georgia Court of Appeals or the Supreme Court of Georgia on the date of _____ . (See attached appellate decision).

4.

The appellate process is complete and the state did not retry the case within two years of the date the order vacating or reversing the decision became final.

5.

Even though the conviction was vacated or reversed, the records of this case continue to be available to potential employers, housing providers, and others.

6.

The harm resulting to the privacy of Petitioner outweighs the public interest of having the case information available to the public because it significantly interferes with Petitioner's ability to secure employment and/or housing and/or other opportunities. (See O.C.G.A. §35-3-37(m)). *(See attached documentation).*

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant this petition and order all criminal history record information, including index references, pertaining to the criminal case of State v. _____, in the _____ Court of _____ County, Accusation/Case Number _____, be restricted by the Georgia Crime Information Center (GCIC) and all agencies maintaining such information in _____ County, including but not limited to the arresting agency and the jail/detention center, pursuant to O.C.G.A. §35-3-37(j)(2). In addition, the Petitioner requests the records of the instant case and the underlying criminal case, including any index references, be sealed by the Clerks of Superior and _____ Courts in _____ County pursuant to O.C.G.A. §35-3-37(m).

In the alternative, Petitioner respectfully requests that this Honorable Court schedule a hearing on this motion within ninety (90) days of filing of said petition.

Respectfully submitted this the ____ day of _____, 20__.

Petitioner, *Pro Se*

NAME: _____
ADDRESS: _____

PHONE: _____
FAX: _____
EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, *Pro se*

v.

_____,
Respondent, Solicitor General

Case No: _____

Judge: _____

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Solicitor General and the Clerk of Court with a copy of **PETITIONER'S PRO SE PETITION TO RESTRICT AND SEAL RECORDS OF VACATED/REVERSED MISDEMEANOR CONVICTION** by hand delivery.

This the ____ day of _____, 20__.

Petitioner, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____ itioner, <i>Pro Se</i> v. _____, Respondent, Solicitor General	Petit 	Case No: _____ Judge: _____
---	---------------------	--

**ORDER TO RESTRICT AND SEAL RECORDS OF
VACATED/REVERSED MISDEMEANOR CONVICTION**

This Court, having considered Petitioner's *Pro Se* Petition to Restrict and Seal Record of Vacated/Reversed Misdemeanor Conviction, pursuant to O.C.G.A. § 35-3-37(j)(2), and O.C.G.A. §35-3-37(m) and for good cause shown,

IT IS HEREBY ORDERED that the Petition is granted and the Georgia Crime Information Center (GCIC) and every agency in _____ County, including but not limited to the arresting agency and the jail/detention center, is ordered to restrict all criminal history record information pertaining to the above-styled case and the underlying criminal case of State v. _____, in the _____ Court of _____ County, Accusation/Case Number _____, pursuant to O.C.G.A. §35-3-37(j)(2).

IT IS FURTHER ORDERED, pursuant to O.C.G.A. §35-3-37(m), that the Clerk of Superior Court of _____ County seal the record of the instant case and the Clerk of _____ Court of _____ County seal the record of the underlying criminal case of State v. _____, in the _____ Court of _____ County, Accusation/ Case Number _____, including any index references.

IT IS FURTHER ORDERED that information regarding the above-styled case and the underlying criminal case be disclosed only to judicial officials and criminal justice agencies for law enforcement purposes. All other requests for disclosure may not be granted without Order of the Court.

SO ORDERED this the _____ day of _____, 20____.

JUDGE, SUPERIOR COURT OF _____COUNTY

Presented by:

Petitioner, *Pro Se*

DEFENDANT'S *PRO SE* MOTION TO RESTRICT AND SEAL RECORD OF
CHARGES(S) PLACED ON DEAD DOCKET
PER O.C.G.A. § 35-3-37(j)(3), (m)

- ☐ **File a Motion to Restrict and Seal Record of Dead Docket if your charges were placed on the dead docket of a superior court.**
- ☐ **Use the original indictment/case number in the header.**
- ☐ **Use the Offender Tracking Number (OTN) for the specific arrest cycle provided on your GCIC criminal history record.**

Disclaimer: Sample motions and petitions are provided for reference purposes only and do not create an attorney-client relationship with the Georgia Justice Project.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

_____,
Defendant, *Pro Se*

Case No: _____

OTN: _____

**DEFENDANT'S PRO SE MOTION TO RESTRICT
AND SEAL RECORDS OF CHARGE(S) PLACED ON THE DEAD DOCKET**

COMES NOW Defendant, *pro se*, and moves this Honorable Court to grant this Motion to Restrict and Seal Records Of Charge(s) Placed on the Dead Docket pursuant to O.C.G.A. §35-3-37(j)(3), (m). In support of this motion, Defendant shows the following:

1.

Defendant was arrested on the date of _____, and charged with the offense(s) of: _____
_____.

2.

Defendant was indicted in the above-styled matter and on the date of _____, the case was placed on the dead docket of this Court. (*See attached copy of final disposition*).

3.

A period of at least twelve (12) months has passed since the date of the dead docket and the state has not made a motion to remove the charges from the dead docket (See O.C.G.A. §35-3-37(j)(3)).

4.

The harm resulting to the privacy of Defendant outweighs the public interest in having the case information available to the public because it interferes with Defendant's ability to

secure employment and/or housing and/or other opportunities. (See O.C.G.A. §35-3-37(m)). (*See attached documentation*).

WHEREFORE, Defendant respectfully requests that this Honorable Court grant this motion and order all criminal history record information pertaining to this case be restricted by the Georgia Crime Information Center (GCIC) and all agencies maintaining such information in _____ County, including but not limited to the arresting agency and the jail/detention center, pursuant to O.C.G.A. §35-3-37(j)(3). In addition, Defendant requests the records of this case, including any index references, be sealed by the Clerk of Superior Court in _____ County pursuant to O.C.G.A. §35-3-37(m). In the alternative, Defendant respectfully requests that this Honorable Court schedule a hearing on this motion within ninety (90) days of filing of said motion.

Respectfully submitted this the _____ day of _____, 20____.

Defendant, *Pro Se*

NAME: _____
ADDRESS: _____

PHONE: _____
FAX: _____
EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

Defendant, *Pro Se*

Case No: _____

CERTIFICATE OF SERVICE

This is to certify that I have this day served the District Attorney and the Clerk of Court with a copy of **DEFENDANT'S PRO SE MOTION TO RESTRICT AND SEAL RECORDS OF CHARGE(S) PLACED ON THE DEAD DOCKET** by hand delivery.

This the ____ day of _____, 20__.

Defendant, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

_____,
Defendant, *Pro Se*

Case No: _____

OTN: _____

ORDER TO RESTRICT AND SEAL RECORDS OF CHARGE(S)
PLACED ON THE DEAD DOCKET

This Court, having considered Defendant's Pro Se Motion to Restrict and Seal Records of Charges Placed on the Dead Docket, pursuant to O.C.G.A. § 35-3-37(j)(3), (m) and for good cause shown,

IT IS HEREBY ORDERED that the Motion is granted and the Georgia Crime Information Center (GCIC) and every agency in _____ County, including but not limited to the arresting agency and the jail/detention center, is ordered to restrict all criminal history record information pertaining to the above-referenced case number pursuant to O.C.G.A. §35-3-37(j)(3).

IT IS FURTHER ORDERED, pursuant to O.C.G.A. §35-3-37(m), that the Clerk of Court of Superior Court of _____ County seal the record of the above-styled case, including index references.

IT IS FURTHER ORDERED that information regarding the above-styled case
be disclosed only to judicial officials and criminal justice agencies for law enforcement.

Other requests for disclosure may not be granted without Order of the Court.

SO ORDERED this the _____ day of _____, 20____.

JUDGE, SUPERIOR COURT OF _____ COUNTY

Presented by:

Defendant, *Pro Se*

PETITIONER'S *PRO SE* PETITION TO RESTRICT AND SEAL RECORD OF
MISDEMEANOR CHARGE(S) PLACED ON THE DEAD DOCKET
PER O.C.G.A. § 35-3-37(j)(3), (m)

- ☐ **File Petition to Restrict and Seal Record of Misdemeanor Charges Placed on the Dead Docket if your charges were placed on the dead docket in any court other than a superior court.**
- ☐ **This is a civil petition. Leave the case number and judge blank in header, the clerk of court will fill in the information at the time of filing.**
- ☐ **Use the Offender Tracking Number (OTN) for the specific arrest cycle provided on your GCIC criminal history record.**

Disclaimer: Sample motions and petitions are provided for reference purposes only and do not create an attorney-client relationship with the Georgia Justice Project.

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

Petitioner, *Pro Se*

v.

_____,
Respondent, Solicitor General

Case No: _____

Judge: _____

OTN: _____

**PETITIONER'S PRO SE PETITION TO RESTRICT AND SEAL RECORDS
OF MISDEMEANOR CHARGE(S) PLACED ON THE DEAD DOCKET**

COMES NOW Petitioner, *pro se*, and moves this Honorable Court to grant this Petition to Restrict and Seal Record Of Misdemeanor Charge(s) Placed on the Dead Docket pursuant to O.C.G.A. § 35-3-37(j)(3), (m). In support of this petition, Petitioner shows the following:

1.

Petitioner was arrested on the date of _____, and charged with the offense(s) of: _____
_____.

2.

Petitioner was charged in the _____ Court of _____ County in Accusation/Case Number _____ and on the date of _____, the case was placed on the dead docket. (*See attached copy of final disposition*).

3.

A period of at least twelve (12) months has passed since the date of the dead docket and the state has not made a motion to remove the charges from the dead docket. (See O.C.G.A. §35-3-37(j)(3)).

4.

The harm resulting to the privacy of Petitioner outweighs the public interest in having the case information available to the public because it significantly interferes with Petitioner's ability to secure employment and/or housing and/or other opportunities. (See O.C.G.A. §35-3-37(m)). (*See attached documentation*).

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant this petition and order all criminal history record information, including index references, pertaining to the criminal case of State v. _____, in the _____ Court of _____ County, Accusation/Case Number _____, be restricted by the Georgia Crime Information Center (GCIC) and all agencies maintaining such information in _____ County, including but not limited to the arresting agency and the jail/detention center pursuant to O.C.G.A. §35-3-37(j)(3). In addition, pursuant to O.C.G.A. §35-3-37(m), Petitioner requests the record of the instant case and record of the underlying criminal case of State v. _____, _____ Court of _____ County, Accusation/Case Number _____, including index references, be sealed by the Clerk of _____ Court of _____ County. In the alternative, Petitioner respectfully requests that this Honorable Court schedule a hearing on this motion within ninety (90) days of filing said motion.

Respectfully submitted this the ____ day of _____, 20____.

Petitioner, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

STATE OF GEORGIA

V.

Case No: _____

Judge: _____

This is to certify that I have this day served the Solicitor General and the Clerk of Court with a copy of **PETITIONER'S PRO SE PETITION TO RESTRICT AND SEAL RECORDS OF MISDEMEANOR CHARGE(S) PLACED ON THE DEAD DOCKET** by hand delivery.

This the _____ day of _____, 20____.

Petitioner, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, *Pro Se*

v.

_____,
Respondent, Solicitor General

OTN: _____

Case No: _____

Judge: _____

ORDER TO RESTRICT AND SEAL RECORDS
OF MISDEMEANOR CHARGE(S) PLACED ON THE DEAD DOCKET

This Court, having considered Petitioner's Pro Se Petition to Restrict and Seal Record of
Misdemeanor Charge(s) Placed on the Dead Docket, pursuant to O.C.G.A. § 35-3-37(j)(3), (m)
and for good cause shown,

IT IS HEREBY ORDERED that the Petition is granted and the Georgia Crime
Information Center (GCIC) and every agency in _____ County, including but not
limited to the arresting agency and the jail/detention center is ordered to restrict all criminal
history record information pertaining to the criminal case of State v. _____, in the
_____ Court of _____ County, Accusation/Case Number _____ ,
pursuant to O.C.G.A. §35-3-37(j)(3).

IT IS FURTHER ORDERED, pursuant to O.C.G.A. §35-3-37(m), that the Clerk of
Superior Court of _____ County seal the record of the instant case and the Clerk of
_____ Court of _____ County seal the record of the underlying
criminal case, including index references, in the criminal case of State v. _____, in the
_____ Court of _____ County, Accusation/Case Number _____.

IT IS FURTHER ORDERED that information regarding the above-styled case and the underlying criminal case be disclosed only to judicial officials and criminal justice agencies for law enforcement purposes. All other requests for disclosure may not be granted without Order of the Court.

SO ORDERED this the _____ day of _____, 20 ____.

JUDGE, SUPERIOR COURT OF _____ COUNTY

Presented by:

Petitioner, *Pro Se*

**PETITIONER'S *PRO SE* PETITION TO RESTRICT AND SEAL RECORDS OF
YOUTHFUL OFFENDER CONVICTION
PER O.C.G.A. § 35-3-37(j)(4), (m)**

- ☐ **File petition to restrict the records of a misdemeanor conviction if the case was resolved in state, municipal, or magistrate court.**
- ☐ **This is a civil petition. Leave case number and judge blank in header, the clerk of court will fill in the information at the time of filing.**
- ☐ **Use the Offender Tracking Number (OTN) for the specific arrest cycle provided on your GCIC criminal history record.**

Disclaimer: Sample motions and petitions are provided for reference purposes only and do not create an attorney-client relationship with the Georgia Justice Project.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, *Pro Se*

v.

_____,
Respondent, Solicitor General

OTN: _____

Case No: _____

Judge: _____

**PETITIONER'S *PRO SE* PETITION TO RESTRICT AND SEAL RECORDS OF
YOUTHFUL OFFENDER CONVICTION**

COMES NOW Petitioner, *pro se*, and petitions this Honorable Court to grant this
Petition to Restrict and Seal Records of Youthful Offender Conviction pursuant to O.C.G.A. §
35-3-37(j)(4), (m). In support of this motion, Petitioner shows the following:

1.

Petitioner was arrested on the date of _____, and charged with the
following offenses: _____.

2.

Petitioner was _____ years old when he/she was convicted in the _____ Court of
_____ County of the offense (s) of _____
_____. (*See attached copy of final
disposition*).

3.

Petitioner successfully completed probation on the date of _____.
(*See attached copy of probation documentation*).

4.

Petitioner has not been arrested for at least five (5) years and has not been convicted of any excluded offense listed in O.C.G.A. 35-3-37(j)(4)(B).

5.

The records of the case are harmful to the privacy of Petitioner and this harm outweighs the public interest in charge(s) being publicly available. It significantly interferes with Petitioner's ability to secure employment and/or housing and/or other opportunities. (See O.C.G.A. §35-3-37(m)). (*See attached documentation*).

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant this petition and order all criminal history record information, including index references, pertaining to State of Georgia v. _____, in the _____, Court of _____ County, Accusation/Case number _____, be restricted by Georgia Crime Information Center (GCIC) all agencies maintaining such information in _____ County, including but not limited to the arresting agency and the jail/detention center, pursuant to O.C.G.A. §35-3-37(j)(1). In addition, the Petitioner requests the record of the instant case and the underlying criminal case of State v. _____, Court of _____ County, Accusation/Case number _____, including any index references, be sealed by the Clerks of Superior Court and _____ Court in _____ County pursuant to O.C.G.A. §35-3-37(m).

In the alternative, Petitioner respectfully requests that this Honorable Court schedule a hearing on this motion within ninety (90) days of filing of said petition.

Respectfully submitted this the ____ day of _____, 20__.

Petitioner, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, *Pro Se*

v.

_____,
Respondent, Solicitor General

Case No: _____

Judge: _____

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Solicitor General and the Clerk of Court with a copy of **PETITIONER'S *PRO SE* PETITION TO RESTRICT AND SEAL RECORDS OF YOUTHFUL OFFENDER CONVICTION** by hand delivery.

This the ____ day of _____, 20__.

Petitioner, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, *Pro se*

v.

Respondent, Solicitor General

OTN: _____

Case No: _____

Judge: _____

ORDER TO RESTRICT AND SEAL RECORDS OF YOUTHFUL OFFENDER CONVICTION

This Court, having considered the Petitioner's Petition to Restrict and Seal Records of Youthful Offender Conviction pursuant to O.C.G.A. § 35-3-37(j)(4), (m) and for good cause shown,

IT IS HEREBY ORDERED that the Petition is granted and the Georgia Crime Information Center (GCIC) and every agency in _____ County, including but not limited to the arresting agency and the jail/detention center, is ordered to restrict all criminal history record information pertaining to the above-styled case and to the criminal case of State v. _____, in the _____ Court of _____ County, Accusation/Case Number _____, pursuant to O.C.G.A. §35-3-37(j)(2).

IT IS FURTHER ORDERED, pursuant to O.C.G.A. §35-3-37(m), that the Clerk of Superior Court of _____ County seal the record of the instant case and the Clerk of _____ Court of _____ County seal the record of the underlying criminal case of State v. _____, _____ Court of _____ County, Accusation/Case Number _____, including any index references.

IT IS FURTHER ORDERED that information regarding the above-styled case and the underlying criminal case be disclosed only to judicial officials and criminal justice agencies for law enforcement purposes. All other requests for disclosure may not be granted without Order of the Court.

SO ORDERED this the _____ day of _____, 20____.

JUDGE, SUPERIOR COURT OF _____ COUNTY

Presented by:

Petitioner, *Pro Se*

DEFENDANT'S *PRO SE* MOTION TO RESTRICT AND SEAL RECORD OF
FELONY CHARGE(S)
PER O.C.G.A. § 35-3-37(j)(1), (m)

- ☐ **File in superior court to restrict felony charges when:**
 - 1. felony charge(s) was indicted in superior court**
 - 2. felony charge(s) was resolved without conviction, and**
 - 3. you were convicted of an unrelated misdemeanor**
- ☐ **Use the original indictment/case number in the header.**
- ☐ **Use the Offender Tracking Number (OTN) for the specific arrest cycle provided on your GCIC criminal history record.**

Disclaimer: Sample motions and petitions are provided for reference purposes only and do not create an attorney-client relationship with the Georgia Justice Project.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

_____,
Defendant, Pro Se

Case No: _____

Judge: _____

OTN: _____

**DEFENDANT'S PRO SE MOTION TO RESTRICT AND SEAL RECORDS OF
FELONY CHARGE(S)**

COMES NOW Defendant, pro se, and moves this Honorable Court to grant this Motion to Restrict and Seal Records of Felony Charge(s) pursuant to O.C.G.A. § 35-3-37(j)(1), (m). In support of this motion, Defendant shows the following:

1.

Defendant was arrested on the date of _____, and charged with the offense(s) of: _____
_____.

2.

The felony charge(s) of _____
_____ did not result in conviction.

3.

Defendant was convicted of an unrelated misdemeanor offense which is not a lesser included offense for which Defendant was arrested and indicted. (*See attached copy of final disposition*).

4.

The harm resulting to the privacy of Defendant outweighs the public interest in having the felony charge(s) available to the public because it interferes with Defendant's ability to

secure employment and/or housing and/or other opportunities. (See O.C.G.A. §35-3-37(m)). (*See attached documentation*).

WHEREFORE, Defendant respectfully requests that this Honorable Court grant this motion and order all criminal history record information pertaining to this case, be restricted by the Georgia Crime Information Center (GCIC) and all agencies maintaining such information in _____ County, including but not limited to the arresting agency and the jail/detention center, pursuant to O.C.G.A. §35-3-37(j)(1). In addition, Defendant requests the records of this case, including index references, be sealed by the Clerk of Superior Court in _____ County pursuant to O.C.G.A. §35-3-37(m). In the alternative, Defendant respectfully requests that this Honorable Court schedule a hearing on this motion within ninety (90) days of filing of said motion.

Respectfully submitted this the ____ day of _____, 20__.

Defendant, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

Case No: _____

_____,
Defendant, *Pro Se*

CERTIFICATE OF SERVICE

This is to certify that I have this day served the District Attorney and the Clerk of Court
with a copy of **DEFENDANT'S PRO SE MOTION TO RESTRICT AND SEAL RECORDS**
OF FELONY CHARGE(S) by hand delivery.

This the _____ day of _____, 20____.

Defendant, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

Case No: _____

_____,
Defendant, *Pro Se*

ORDER TO RESTRICT AND SEAL RECORDS OF FELONY CHARGE(S)

This Court, having considered Defendant's *Pro Se* Motion to Restrict and Seal Records of
Felony Charge(s), pursuant to O.C.G.A. § 35-3-37(j)(1), (m) and for good cause shown,

IT IS HEREBY ORDERED that the Motion is hereby granted and the Georgia Crime Information Center (GCIC) and every agency in _____ County, including but not limited to the arresting agency and the jail/detention center, is ordered to restrict all criminal history record information pertaining to the above-referenced case number pursuant to O.C.G.A. §35-3-37(j)(1).

IT IS FURTHER ORDERED that the records of this case, including index references, are to be sealed by the Clerk of Superior Court in _____ County pursuant to O.C.G.A. §35-3-37(m).

IT IS FURTHER ORDERED that information regarding the above-styled case be disclosed only to judicial officials and criminal justice agencies for law enforcement purposes. All other requests for disclosure may not be granted without Order of the Court.

SO ORDERED this the _____ day of _____, 20____.

JUDGE, SUPERIOR COURT OF _____ COUNTY

Presented by:

Defendant, *Pro Se*

**PETITIONER'S *PRO SE* PETITION TO RESTRICT AND SEAL RECORD OF
FELONY CHARGE(S)
PER O.C.G.A. § 35-3-37(j)(1), (m)**

- ☐ **File a petition to restrict felony charges when:**
 - 1. felony charge(s) were not indicted in superior court**
 - 2. felony charge(s) resolved without conviction, and**
 - 3. you were convicted of an unrelated misdemeanor in a court
other than municipal.**

- ☐ **This is a ~~civil petition. Leave the~~ case number and judge blank in header, the clerk of court will fill in the information at the time of filing.**
- ☐ **Use the Offender Tracking Number (OTN) for the specific arrest cycle provided on your GCIC criminal history record.**

Disclaimer: Sample motions and petitions are provided for reference purposes only and do not create an attorney-client relationship with the Georgia Justice Project.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, Pro Se

v.

_____,
Respondent, Solicitor General

Case No: _____

Judge: _____

OTN: _____

**PETITIONER'S PRO SE PETITION TO RESTRICT
AND SEAL RECORDS OF FELONY CHARGE(S)**

COMES NOW Petitioner, *pro se*, and moves this Honorable Court to grant this Petition to Restrict and Seal Record of Felony Charge(s) pursuant to O.C.G.A. § 35-3-37(j)(1), (m). In support of this petition Petitioner shows the following:

1.

Petitioner was arrested on the date of _____, and charged with the offense(s) of: _____

2.

The felony charge(s) of _____
_____ did not result in conviction.

3.

Petitioner was convicted of an unrelated misdemeanor offense. (*See attached copy of final disposition*).

4.

The misdemeanor offense was unrelated and not a lesser included offense of the felony for which Petitioner was charged at the time of arrest.

5.

The record of the felony charge is harmful to the privacy of Petitioner and this harm outweighs the public interest in the felony charge(s) being available. The availability significantly interferes with Petitioner's ability to secure employment and/or housing and/or other opportunities. (See O.C.G.A. §35-3-37(m)). (*See attached documentation*).

WHEREFORE, Petitioner respectfully requests that this Honorable Court grant this petition and order all criminal history record information, including index references, pertaining to State of Georgia v. _____, in the _____, Court of _____ County, Accusation/Case number _____, be restricted by Georgia Crime Information Center (GCIC) and all agencies maintaining such information in _____ County, including but not limited to the, the arresting agency and the jail/detention center pursuant to O.C.G.A. §35-3-37(j)(1). In addition, the Petitioner requests the record of the instant case and the underlying criminal case of State v. _____, Court of _____ County, Accusation/Case number _____, including any index references, be sealed by the Clerks of Superior Court and _____ Court in _____ County pursuant to O.C.G.A. §35-3-37(m).

In the alternative, Petitioner respectfully requests that this Honorable Court schedule a hearing on this motion within ninety (90) days of filing of said petition.

Respectfully submitted this the ____ day of _____, 20__.

Petitioner, *Pro Se*

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, Pro Se

v.

_____,
Respondent, Solicitor General

Case No: _____

Judge: _____

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Solicitor General and the Clerk of Court with
a copy of **PETITIONER'S PRO SE PETITION TO RESTRICT AND SEAL RECORDS**
OF FELONY CHARGE(S) by hand delivery.

This the _____ day of _____, 20____.

Petitioner, Pro Se

NAME: _____

ADDRESS: _____

PHONE: _____

FAX: _____

EMAIL: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

_____,
Petitioner, *Pro se*

Case No: _____

Judge: _____

OTN: _____

ORDER TO RESTRICT AND SEAL RECORDS OF FELONY CHARGE(S)

This Court, having considered the *pro se* Petition to Restrict and Seal Records of Felony Charge(s), pursuant to O.C.G.A. § 35-3-37(j)(1), (m) and for good cause shown,

IT IS HEREBY ORDERED that the Petition is granted and the Georgia Crime Information Center (GCIC) and every agency in _____ County, including but not limited to the arresting agency and the jail/detention center, is ordered to restrict all criminal history record information pertaining to the above-styled case and to the underlying criminal case of State v. _____, in the _____ Court of _____ County, Accusation/Case Number _____, pursuant to O.C.G.A. §35-3-37(j)(2).

IT IS FURTHER ORDERED, pursuant to O.C.G.A. §35-3-37(m), that the Clerk of Superior Court of _____ County seal the record of the instant case and the Clerk of _____ Court of _____ County seal the record of the underlying criminal case of State v. _____, in the _____ Court of _____ County, Accusation/ Case Number _____, including any index references.

IT IS FURTHER ORDERED that information regarding the above-styled case and the underlying criminal case be disclosed only to judicial officials and criminal justice agencies for law enforcement purposes. All other requests for disclosure may not be granted without Order of the Court.

SO ORDERED this the _____ day of _____, 20____.

JUDGE, SUPERIOR COURT OF _____COUNTY

Presented by:

Petitioner, *Pro Se*

**PETITIONER'S *PRO SE* PETITION TO PROCEED
IN FORMA PAUPERIS & AFFIDAVIT OF INDIGENCY**

- ☐ To request the filing fees be waived for a civil petition to restrict and seal a record on the basis of inability to pay.
- ☐ This is a civil action. Leave case number and judge blank in header, the clerk of court will fill in the information at the time of filing.

Disclaimer: Sample motions and petitions are provided for reference purposes only and do not create an attorney-client relationship with the Georgia Justice Project.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, *Pro Se*

v.

_____,
Respondent, District Attorney

Case No: _____

Judge: _____

PETITIONER'S *PRO SE* PETITION TO PROCEED *IN FORMA PAUPERIS*

COMES NOW Petitioner, *pro se*, and moves this Honorable Court to grant this Petition to Proceed *In Forma Pauperis*. In support thereof, Petitioner submits the attached Affidavit of Indigency. As shown by the affidavit, Petitioner does not have the funds to pay the filing fee to initiate a civil petition in superior court and requests that the filing fees be waived.

WHEREFORE, Petitioner moves the Court to grant this petition.

Respectfully submitted this the ____ day of _____, 20__.

Petitioner, *Pro Se*

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, *Pro se*

v.

_____,
Respondent, District Attorney

|
|
|
|

Case No: _____

Judge: _____

AFFIDAVIT OF INDIGENCY

COMES NOW Petitioner under oath and pursuant to O.C.G.A. § 9-15-2 (a)(1) and Rule 36.10 of the Uniform Rules of the Superior Courts. In support of this affidavit, Petitioner shows the following:

1.

I am _____ years old. My highest grade in school completed was _____ grade and I have completed _____ year(s) of college.

2.

I am currently employed full-time/part-time by _____. My gross pay is approximately _____ per month.

I am currently unemployed. I have been unemployed approximately _____ months.

3.

I have _____ minor children living at home, ages _____.

4.

My family qualifies for and receives food stamps or other benefits of _____ per month.

5.

My monthly payments and expenses are as follows:

(include mortgage/rent, utilities, food, phone, credit card, etc.)

6.

I have _____ in savings. I own the following assets or property

7.

My current debt totals approximately _____.

WHEREFORE I am unable to pay for the cost of filing and serving this action and other court costs associated with this action, and I request that this Honorable Court allow me to proceed *in forma pauperis*.

This the _____ day of _____, 20____.

Petitioner, *Pro Se*

SWORN AND SUBSCRIBED

before me this _____ day of _____, _____.

Notary Public

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner, *Pro se*

v.

||
||
|

Case No: _____

_____,
Respondent, District Attorney

Judge: _____

ORDER

Having read and considered Petitioner's *Pro Se* Motion To Proceed *In Forma Pauperis* and Affidavit of Indigency, the Court finds Petitioner is indigent and _____

_____ IT IS HEREBY ORDERED Petitioner be allowed to proceed *in forma pauperis* in the above-referenced case.

SO ORDERED, this the _____ day of _____, 20__.

JUDGE, SUPERIOR COURT OF _____ COUNTY

Presented by:

Petitioner, *Pro Se*

Date

_____(name and address of jail)

Re: Request to Restrict and seal records Maintained by the Jail/Detention Center

To Whom It May Concern:

My name is _____ and I was arrested on the date of _____, for the charge(s) of _____.

Enclosed is confirmation that the record for the aforementioned arrest has been restricted pursuant to O.C.G.A. §35-3-37.

Within 30 days of this request, please restrict public access to any and all files and records pertaining to _____ being taken into custody, detention and disposition, including law enforcement records for this case pursuant to O.C.G.A. §35-3-37(k)(2).

Thank you,

SIGNATURE

ADDRESS: _____

PHONE: _____

EMAIL: _____

Enclosure(s): _____

IN THE STATE COURT OF ATHENS-CLARKE COUNTY

STATE OF GEORGIA

ATHENS-CLARKE COUNTY

STATE OF GEORGIA

*

CASE NO.: _____

VS.

*

CHARGE(S): _____

*

DEFENDANT

ENTRY OF NOLLE PROSEQUI

COMES NOW the Athens-Clarke County, State of Georgia, and hereby enters a nolle prosequi in the above-captioned case, upon the ground set forth as follows:

- () Although there was sufficient probable cause for the issuance of a warrant, the evidence is not sufficient to prove guilt beyond a reasonable doubt. ***Restrictable.***
- () The Solicitor's assessment of the public interests and the interests of justice warrant termination of Prosecution. ***Restrictable.***
- () The defendant has met all requirements of the Pretrial Diversion Program; therefore, the case is being dismissed. ***Restrictable.***
- () Pursuant to a negotiated plea agreement. ***Non-restrictable pursuant to O.C.G.A. § 35-3-37(i)(1)(A).***
- () The State was barred from introducing material evidence against the Defendant on legal grounds, including, without limitation, the granting of a motion to suppress or motion in limine. ***Non-restrictable pursuant to O.C.G.A. § 35-3-37(i)(1)(B).***
- () Other: _____

This _____ day of _____, 20 _____.

Carroll R. Chisholm, Jr., Solicitor-General
State Court of Athens-Clarke County
State of Georgia

CONSENT OF COURT

State of Georgia having filed a nolle prosequi in the above-captioned matter, and it being made to appear that there is reasonable cause for such action, the Court hereby consents to entry of said nolle prosequi.

This _____ day of _____, 20 _____.

Judge
State Court of Athens-Clarke County

Question- after the application process...

I know that we do not really have anything to do with this, but PAC was here a few months ago and presented on it, and it was said during their training that **clerks should make the changes in GCIC to restrict the record**. The application process never mentions the clerk's office, but is presumed to be our responsibility evidently. We have a great contact at our DA's office who works on this quite a bit and handles it when issues arise, but nonetheless my office is the "go-to" for information, applications, directions, etc. I am more than willing to do whatever it is I need to do...just want to do it correctly

Who is suppose to restrict the record on GCIC? (According to instruction form, this should be the prosecuting attorney.)

Who collects the money for restriction? (According to instruction form, this should be the arresting agency.)

As far as the application process, we tell the party inquiring the website to obtain the application and to then follow the directions. After they complete the application, however, is when the confusion begins... Based on the instruction form, the party gets their application, the party takes it to the arresting agency, the arresting agency forwards it to the prosecuting attorney, the prosecuting attorney then approves or denies, and it should be entered by the prosecuting attorney at that point - if approved. However, each time this arises I receive phone calls from the arresting agency that we are to restrict the record and then the person is sent to my office. I think it is just a misunderstanding or misinformation amongst numerous parties and from various trainings, but it has been implied and also very clearly stated that we (the Clerk's Office) should enter the restriction on GCIC.

Answer:

It is the responsibility of the prosecutor to approve or deny the restrictions, GCIC has given both courts and prosecutors the authority to enter the restricted dispositions. The exact process of “who does what” will vary from county to county. In my experience (not advising that it must be done this way, just FYI) many counties are having the restricted dispositions where the application has been submitted (arrests prior to 7-1-13) the prosecutor is entering the restrictions, for restricted dispositions rendered in court (arrests after 7-1-13) and filed in the clerk’s office as part of the sentence the Clerk’s Office is submitting the restricted disposition.

RE Fee – there is no provision in the law for the prosecutor or courts to collect a fee

Currently There is no provision in the law requiring the Clerk’s Office to restrict access to their local records, only the arresting agency

Question:

Can you find out if we are supposed to go in on the arrest charges that were NOT accused and do a no further action disposition to dispose of them or are we supposed to leave them open. At this time we ARE doing the no further action. This disposition restricts these charges.

Answer:

If there is documentation/information to indicate that there will not be any further action on the charge then entering the disposition “No Further Action Anticipated” is appropriate.

Hi Ladies,

First, completed first offender sentences are “sealed” and not eligible for a record restriction (process formerly known as expungement)

Completed first offender sentences, as a general rule, are not released to non-criminal justice requestors. There are a couple of exceptions:

- Completed FOA for drug offenses are disseminated per federal drug disqualifiers for gun purchases/weapons carry permit
- completed First Offender information for some sexual, abuse or neglect charges (as designated in O.C.G.A 35-3-34.1) is released when an applicant applies for a position working with children, the elderly, and/or mentally ill. This would be the exception that *could* apply to a nurse IF the original charge was one of the ones designated in the above code section.

Hope this answers your questions. If you have additional questions please just let me know.

Adrianne

Adrianne Smith

Training Coordinator

Georgia Crime Information Center

404.309.1674

From: Bright, Cinda [<mailto:Cinda.Bright@GSCCCA.ORG>]

Sent: Tuesday, March 18, 2014 7:34 AM

To: Bragg, Carol

Cc: Smith, Adrianne

Subject: RE: First Offender Successful Completion

I think no matter what certain entities will always be able to see this, but I’m going to cc this to Adrienne to see what she says. ☺

Cinda S. Bright

Clerk of Superior & Juvenile Court

P O Box 250

Irwinton, Georgia 31042

478/946-4314

478/946-1497 (fax)

From: Bragg, Carol

Sent: Monday, March 17, 2014 1:55 PM

To: All Clerks

Subject: First Offender Successful Completion

From the GCIC training I went to in April of last year, there is a slide regarding “Sealing of Completed First Offender Information - When a Charge Tracking Number (CTN) within a cycle (Offender Tracking Number (OTN)) receives a FOA completed (CCH Disposition Code 372) the entire cycle will be sealed per the purpose code dissemination – including charges without dispositions”

Am I correct in reading this to mean that FOA completed records are now sealed and won’t be seen by potential employers running criminal histories?

I have a nurse who successfully completed her FOA sentence & has been discharged. I was wondering if she should try to have her record expunged.

Carol W Bragg, B.B.A.

Clerk of Superior & Juvenile Courts

Wheeler County, Georgia

Chair, Eighth Judicial Circuit Clerks

Phone: (912) 568-7137

Fax: (912) 568-7453

INDICTMENT/ ACCUSATION /WARRANT RECONCILIATION FORM

(Complete form when charges in arrest warrants do not match charges in indictment.
Add additional pages as necessary.)

STATE OF GEORGIA v. _____

INDICTMENT CHARGE:

ENTER WARRANT NO. OR "SP"
FOR SPECIAL PRESENTMENT
AND "BW" IF BENCH WARRANT
IS TO BE PREPARED

COUNT 1:	_____	_____
COUNT 2:	_____	_____
COUNT 3:	_____	_____
COUNT 4:	_____	_____
COUNT 5:	_____	_____
COUNT 6:	_____	_____
COUNT 7:	_____	_____
COUNT 8:	_____	_____
COUNT 9:	_____	_____
COUNT 10:	_____	_____
COUNT 11:	_____	_____
COUNT 12:	_____	_____
COUNT 13:	_____	_____
COUNT 14:	_____	_____
COUNT 15:	_____	_____

WARRANTS TO BE DISMISSED:

CHARGE: _____	WARRANT NO. _____
CHARGE: _____	WARRANT NO. _____
CHARGE: _____	WARRANT NO. _____
CHARGE: _____	WARRANT NO. _____
CHARGE: _____	WARRANT NO. _____
CHARGE: _____	WARRANT NO. _____
CHARGE: _____	WARRANT NO. _____

- ☐ It is the intention of the District Attorney to present the above referenced indictment to the Grand Jury in this form.
- ☐ The above referenced indictment was presented to the Grand Jury in this form.

ASSISTANT DISTRICT ATTORNEY

This form contains criminal history record information and is being sent to the deputy clerk to assist in the submission said information to the Georgia Crime Information Center under O.C.G.A. § 35-3-30. Georgia law prohibits any further dissemination or filing of this document. O.C.G.A. § 35-3-38.

(AFFIX DISTRICT ATTORNEY STAMP)

GCIC OPERATIONS BULLETIN – 2013-63

SUBJECT: **Record Restriction**

ATTENTION: Criminal Justice Agencies

CONTACT: **Cheryl Payton**
CCH/Identification Services Program Manager
Phone: (404) 270-8388
E-mail: cheryl.payton@gbj.ga.gov

Effective July 1, 2013

The 2012 Georgia General Assembly revised O.C.G.A. §35-3-37 relating to the inspection, purging, modifying or supplementing of criminal history records. Changes include requirements for both GCIC and arresting agencies to restrict dissemination of certain criminal history records for non-criminal justice purposes, such as licensing and employment or any other use that is not related to the administration of criminal justice. Restricted records will continue to be available to criminal justice agencies for the administration of their duties.

GCIC

GCIC will implement the necessary programming changes July 1, 2013 to satisfy the 2012 requirements. Below are highlights of those programming changes.

1. In accordance with O.C.G.A. §35-3-37 (h), in response to requests for criminal history records for non-criminal justice purposes, GCIC will restrict the release of an offense with ***no disposition*** in the following situations:
 - Misdemeanor offense after two years
 - Felony offense after four years (except violent felony sexual offenses)
 - Violent felony offense as defined in O.C.G.A. §17-3-2.1 or felony sexual offense (victims under 16) after seven years (see Attachment A).

These restricted records are considered 'Time Expired Restrictions' (TER) and a TER disposition code, when applicable, will automatically be applied to the record by the Computerized Criminal History (CCH) system; an offense with a TER disposition will not be displayed on the criminal history record for non-criminal justice purposes. ***However, please note that an offense with a TER disposition code will appear on criminal history records in response to criminal history record inquiries when purpose codes C, F, J, L and Z are used (for both name and fingerprint submission requests).***

The TER restriction is automatically removed by CCH when a final disposition is applied.

2. GCIC has created new disposition codes that will automatically restrict the appropriate portions of the criminal history record when dispositions are entered by criminal justice agencies (solicitor, prosecutor, clerk of court). A complete list of disposition codes can be found in Attachment B. The disposition codes to restrict criminal history record information (CHRI) for non-criminal justice purposes are similar to the established disposition codes, except that the first digit is a nine (9), e.g. 305 = Dismissed and 905 = Dismissed – Restrict (Non-Criminal Justice Purposes).

Please note that all existing ‘Dismissed’ disposition codes that include a reason for dismissal, e.g. “Dismissed – Default of Complaining Witness” will be retired effective July 1, 2013, leaving only one “Dismissed” code to use as a final disposition. If necessary, a reason for dismissal can be entered in the court or prosecutor comment field (for both restricted and unrestricted dismissed dispositions).

3. A CJIS Administrative Message (AM) will automatically be sent to the arresting agency’s primary ORI when a record has (a) been restricted (automatic TER entry or entry of disposition that restricts dissemination of offense for non-criminal justice purposes) per O.C.G.A. §35-3-37 or (b) been un-restricted (entry of disposition that allows the offense to be disseminated for non-criminal justice purposes) per O.C.G.A. §35-3-37. See Attachment C for sample notification.
4. Per O.C.G.A. §35-3-37 (n) (1), individuals arrested *before* July 1, 2013 will follow the current record restriction process – complete three-part form, pay required fees and forward approved request to GCIC for processing – to request restriction of CHRI for non-criminal justice purposes. However, when an individual applies for record restriction with the arresting agency and the application is approved by the prosecutor, criminal justice agencies (solicitor, prosecutor, clerk of court), will have the ability to enter the appropriate disposition code to immediately restrict the record in lieu of submitting the form to GCIC. GCIC encourages agencies to take advantage of this opportunity, as it makes the process timely and eliminates the need for the applicant to forward the form and payment to GCIC.
5. The record restriction process changes for individuals arrested *after* July 1, 2013. GCIC will no longer require, receive and process the three-part record restriction form. Criminal justice agencies (solicitor, prosecutor, clerk of court) are responsible for entering the appropriate disposition code based on whether the final disposition qualifies or not for restriction for non-criminal justice purposes.
6. GCIC will continue to receive and process all court ordered record restrictions.

Arresting Agencies

1. Per O.C.G.A. §35-3-37 (k) (1), upon notification of record restriction by GCIC, the agency will restrict access to CHRI for that arrest, including photographs and fingerprints, for non-criminal justice purposes within 30 days. So that release of local records can be properly restricted, GCIC/CJIS terminal operators within the arresting agency should give the record restriction notification to the appropriate personnel. Agencies should develop policies and procedures to ensure restricted records are not improperly released for non-criminal justice

purposes, to include open records requests, websites, etc.

2. In cases when an arresting agency does not forward a case for prosecution, the arresting agency is required to notify GCIC when the arrest is closed and not forwarded for prosecution. Arresting agencies will enter a new arrest action code of NFP (Not Forwarded for Prosecution) on the CCH User Interface (UI) Arrest Segment screen. Agencies will have the ability to enter this action code and restrict charges by Charge Tracking Number (CTN). Entering this NFP action code will automatically generate a CJIS Administrative Message (AM) to notify the arresting agency that the record has been restricted. Per O.C.G.A. §35-3-37 (h) (1) (A) (i), arresting agencies are also required to notify the accused and the accused's attorney, if any, of the NFP restriction.

Prosecutors/Courts

1. Prosecutors and courts will have the option of entering an existing disposition code or a new code that will apply the disposition *and* restrict the charge simultaneously.
2. Agencies that need access to the CCH User Interface (UI) in order to enter dispositions should apply for CCH and SSL VPN User IDs. Information on obtaining CCH and SSL VPN User IDs is on the GCIC Support Services Website at <http://gcicweb.gbi.state.ga.us>.

Training

Contact the GCIC Customer Support Representative for your agency to request training on the new record restriction procedure.

This Operations Bulletin supersedes GCIC Operations Bulletin 2013-60.

Approved:



Terry D. Gibbons, Deputy Director for GCIC

June 24, 2013

Date

Attachment A

The felonies listed below are considered to be serious, violent or sexual offense felonies that will be restricted after 7 years if no disposition has been entered in CCH per O.C.G.A. §35-3-37. All other felonies will restrict after 4 years.

Code	Statute	Literal Description
0948	16-5-1	Murder
1012	16-5-40	Kidnapping
1135	16-5-46(b)	TRAFFICKING OF PERSONS FOR LABOR SERVITUDE - FELONY
1136	16-5-46(c)	TRAFFICKING OF PERSONS FOR SEXUAL SERVITUDE - FELONY
1115	16-5-46(D)	TRAFFICKING OF PERSONS FOR LABOR OR SEXUAL SERVITUDE
3801	16-5-70 (E) (1)	CRUELTY TO CHILDREN - 1ST DEGREE
3802	16-5-70 (E) (2)	CRUELTY TO CHILDREN - 2ND DEGREE
3817	16-5-70(A)	CRUELTY TO CHILDREN-DEPRIVATION OF NECESSARY SUSTENANCE - 1ST DEGREE
3818	16-5-70(B)	CRUELTY TO CHILDREN-CAUSES EXCESSIVE PHYSICAL OR MENTAL PAIN - 1ST DEGREE
3819	16-5-70(C)	CRUELTY TO CHILDREN-CRIMINAL NEGLIGENCE/CAUSES EXCESSIVE PHYSICAL/MENTAL PAIN - 2ND DEGREE
3828	16-5-70(D)	CRUELTY TO CHILDREN IN THE 3RD DEGREE 3RD OR SUBSEQUENT OFFENSE
3812	16-5-70(E)(3)	CRUELTY TO CHILDREN IN THE 3RD DEGREE 3RD OR SUBSEQUENT OFFENSE - FELONY
1130	16-6-1	RAPE
1102	16-6-2(a)(1)	SODOMY - FELONY
1103	16-6-2(a)(2)	AGGRAVATED SODOMY - COMMIT SODOMY WITH FORCE AND AGAINST PERSONS WILL OR PERSON IS LESS THAN 10 YOA
1151	16-6-22	INCEST
1104	16-6-22.2	AGGRAVATED SEXUAL BATTERY
1116	16-6-3(B)	STATUTORY RAPE - FELONY
1134	16-6-4(a)	CHILD MOLESTATION
1132	16-6-4(c)	AGGRAVATED CHILD MOLESTATION
1141	16-6-5(B)	ENTICING A CHILD FOR INDECENT PURPOSES
1216	16-8-41	ARMED ROBBERY

Attachment B

Note: Items highlighted in green indicate new codes. Items in yellow will expire on 7/1/2013.

CACD_CD	ACTC_CD	Description	Restrict
LEA			
AFT	CHRG	Arrest Fingerprints Taken	
SCA	CHRG	Subsequent Arrest Charge Added	
NFP	CHRG	Not Forwarded for Prosecution	Yes
Prosecutor			
225	PROS	Dismissed – Default of Complaining Witness	Expire 7/1
226	PROS	Dismissed – Lack of Evidence	Expire 7/1
228	PROS	Dismissed – Want of Prosecution	Expire 7/1
305	PROS	Dismissed	
905	PROS	Dismissed – Restrict (Non-Criminal Justice Purposes)	Yes
310	PROS	Guilty (Convicted/Adjudicated)	
321	PROS	Merged	
921	PROS	Merged - Restrict (Non-Criminal Justice Purposes)	Yes
324	PROS	No Bill	
924	PROS	No Bill - Restrict (Non-Criminal Justice Purposes)	Yes
329	PROS	Not presented to Grand Jury	Expire 7/1
929	PROS	Not presented to Grand Jury - Restrict (Non-Criminal Justice Purposes)	Yes
340	PROS	Dead Docket	
940	PROS	Dead Docket - Restrict (Non-Criminal Justice Purposes)	Yes
341	PROS	Not on Docket	Expire 7/1
941	PROS	Not on Docket - Restrict (Non-Criminal Justice Purposes)	Yes
349	PROS	Amended	
949	PROS	Amended - Restrict (Non-Criminal Justice Purposes)	Yes
365	PROS	Pre-Trial Diversion Program Pending	
399	PROS	No Further Action Anticipated	Expire 7/1
999	PROS	No Further Action Anticipated - Restrict (Non-Criminal Justice Purposes)	Yes
501	PROS	Nolle Prosequi/Nolle Prossed	
901	PROS	Nolle Prosequi/Nolle Prossed - Restrict (Non-Criminal Justice Purposes)	Yes
502	PROS	Indicted	

514	PROS	Complaint Issued	
515	PROS	Record Restricted (Expunged) Per OCGA 35-3-37	Expire 7/1
516	PROS	Dismissed – Completed Pre-Trial Diversion Program	
916	PROS	Dismissed – Completed Pre-Trial Diversion Program, Restrict (Non-Criminal Justice Purposes)	Yes
520	PROS	Amended to a Non-Fingerprintable Charge	
522	PROS	Accusation	
527	PROS	Transferred to Municipal Court	
528	PROS	Transferred to Records Court	
529	PROS	Transferred	
531	PROS	Transferred to Solicitor General's Office	
532	PROS	Transferred to District Attorney's Office	
533	PROS	Transferred to State Court	
534	PROS	Transferred to Superior Court	
537	PROS	Transferred to Juvenile Court	
538	PROS	Transferred to Federal Court	
705	PROS	Juvenile – Dismissed	
780	PROS	Juvenile – No Further Action	
Court			
225		Dismissed – Default of Complaining Witness	Expire 7/1
226		Dismissed – Lack of Evidence	Expire 7/1
227		Dismissed – Complaint Withdrawn	Expire 7/1
228		Dismissed – Want of Prosecution	Expire 7/1
229		Dismissed – Without Trial	Expire 7/1
255		No Case	Expire 7/1
293		Withdrawn	Expire 7/1
300		Nolle Prosequi/Nolle Prossed	
900		Nolle Prosequi/Nolle Prossed - Restrict (Non-Criminal Justice Purposes)	Yes
301		Directed Verdict	Expire 7/1
901		Directed Verdict - Restrict (Non-Criminal Justice Purposes)	Yes
305		Dismissed	
905		Dismissed - Restrict (Non-Criminal Justice Purposes)	Yes

306		First Offender Act Unsatisfactory	
307		First Offender Act Sentence Told	
308		Conditional Discharge Program Revoked – Guilty (Convicted/Adjudicated)	No
309		Pretrial Diversion Program Revoked – Guilty (Convicted/Adjudicated)	No
310		Guilty (Convicted/Adjudicated)	
311		Executive Clemency Granted	
314		Extradition	
317		Commutd	
318		First Offender Act (O.C.G.A. 42-8-60)	
319		Nolo Contendere	
320		Mistrial	
321		Merged	
921		Merged - Restrict (Non-Criminal Justice Purposes)	Yes
322		Guilty but mentally insane	
323		Mentally Incompetent to Stand Trial	
324		No Bill	
924		No Bill - Restrict (Non-Criminal Justice Purposes)	Yes
326		Acquittal/Not Guilty	
926		Acquittal/Not Guilty - Restrict (Non-Criminal Justice Purposes)	Yes
328		Continue on Original Probation or Parole Order	
329		Not Presented to Grand Jury	Expire 7/1
929		Not Presented to Grand Jury - Restrict (Non-Criminal Justice Purposes)	Yes
340		Dead Docket	
940		Dead Docket - Restrict (Non-Criminal Justice Purposes)	Yes
341		Not on Docket	Expire 7/1
941		Not on Docket - Restrict (Non-Criminal Justice Purposes)	Yes
348		Added Disposition	
349		Amended	
949		Amended - Restrict (Non-Criminal Justice Purposes)	Yes
350		Final Disposition Not Available	Expire 7/1
950		Final Disposition Not Available - Restrict (Non-Criminal Justice Purposes)	Yes
372		First Offender Act Completed	
375		Bond Forfeiture	
376		Settled	
976		Settled - Restrict (Non-Criminal Justice Purposes)	Yes

381		First Offender Act Revoked
382		Quashed
982		Quashed - Restrict (Non-Criminal Justice Purposes)
392		Vacated
399		No Further Action Anticipated
999		No Further Action Anticipated - Restrict (Non-Criminal Justice Purposes)
416		Pardoned
485		Pardoned with Restoration of Firearms Rights
486		Pardoned without Restoration of Firearms Rights
487		Pardoned Civil/Political w/Restoration of Firearms Rights
488		Pardoned Civil/Political w/o Restoration of Firearms Rights
489		Restoration of Civil/Political w/Firearms Rights
490		Restoration of Civil/Political w/o Firearms Rights
505		Bind Over
508		Warrant Issued
510		Acquittal by Reason of Insanity
910		Acquittal by Reason of Insanity- Restrict (Non-Criminal Justice Purposes)
511		Dismissal Pending Completion of Conditions
512		Conditional Discharge Program Pending
513		Dismissed – Completed Conditional Discharge Sentence
913		Dismissed – Completed Conditional Discharge Sentence, Restricted (Non-Criminal Justice Purposes)
514		Pre-Trial Diversion Program Pending
515		Record Restricted (Expunged per O.C.G.A 35-3-37)
516		Dismissed – Completed Pre-Trial Diversion Program
916		Dismissed – Completed Pre-Trial Diversion Program, Restricted (Non-Criminal Justice Purposes)
517		Multiple FOA Not Allowed-Modified from First Offender per O.C.G.A 42-8-65(B)
518		Convicted while on Probation-Modified from First Offender per O.C.G.A 42-8-65
519		Probation Revocation
520		Amended to Non-Fingerprintable Charge
521		Discharged
522		Parole Revocation
524		Notice of Appeal Filed
525		Original Order Affirmed by GA Court of Appeals

526		Original Order Reversed by GA Court of Appeals	
527		Transferred to Municipal Court	
528		Transferred to Records Court	
529		Transferred	
531		Transferred to Solicitor General's Office	
532		Transferred to District Attorney's Office	
533		Transferred to State Court	
534		Transferred to Superior Court	
535		Transferred to Magistrate Court	
536		Transferred to Probate Court	
537		Transferred to Juvenile Court	
538		Transferred to Federal Court	
700		JUV-Adjudicated (Convicted/Guilty)	
701		JUV-Adjudicated Delinquent	
702		JUV-Summary Judgment	
703		JUV-Extradition	
705		JUV-Dismissed	
706		JUV-Commutated	
707		JUV-Insane	
708		JUV-Mentally Incompetent	
710		JUV-Dead Docket	
711		JUV-Transferred to Superior Court	
719		JUV-Nolo Contendere	
720		JUV-Acquittal	
780		JUV-No Further Action	
799		JUV-Other Disposition	
831		JUV-Dismissed with Prejudice	
832		JUV-Dismissed without Prejudice	
833		JUV-Dismissed unable to Serve	
834		JUV-Dismissed by Request of DFCS	
835		JUV-Dismissed by Request of DA	
836		JUV-Dismissed due to Insufficient Evidence	
837		JUV-Dismissed due to No Jurisdiction	
838		JUV-Dismissed Treatment not Needed	
839		JUV-Dismissed No Probable Cause	
840		JUV-Dismissed Juvenile Petition Not Filed Timely	
845		JUV-Transferred to Another Court	
864		JUV-Informal Adjustment	
866		JUV-Held in Abeyance	
867		JUV- Sealed Record	
GCIC Use Only			
888		Court Ordered Restriction (Non-Criminal Justice Purposes)	Yes

System Generated		
TER		Time Expired Restriction (No Disposition)

Attachment C

Record Restriction Notification

An automatic notification will be sent to the arresting agency by nightly batch processing when a record, or CTN within a record, is restricted or un-restricted. This also applies to TER restrictions.

Example:

A criminal history cycle for <LastName>,< FirstName>,< DOB>, <OTN> has had the restriction status per O.C.G.A. §35-3-37 changed. Please restrict or un-restrict your local records for non-criminal justice purposes accordingly.

CTN1: RESTRICTED

CTN2: RESTRICTED

CTN8: UNRESTRICTED

CTN9: RESTRICTED

CTN10: RESTRICTED

CTN11: RESTRICTED

CTN12: RESTRICTED

CTN13: RESTRICTED