

House Bill 689

By: Representatives Gaines of the 117th, Werkheiser of the 157th, and Wiedower of the 119th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated,
2 relating to the Georgia Crime Information Center, so as to provide that persons who are
3 victims of an offense of trafficking may petition the clerk of court to have sealed certain
4 criminal history record information maintained by the clerk; to provide that restricted
5 criminal history record information shall be available to criminal justice agencies; to provide
6 for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the
10 Georgia Crime Information Center, is amended by revising paragraph (1) of subsection (m)
11 and subsection (v) of Code Section 35-3-37, relating to review of individual's criminal
12 history record information, definitions, privacy considerations, written application requesting
13 review, and inspection, as follows:

14 "(m)(1) For criminal history record information maintained by the clerk of court, an
15 individual who has a record restricted pursuant to Code Section 17-10-21 or this Code
16 section may petition the court with original jurisdiction over the offenses in the county

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17 where the clerk of court is located for an order to seal all criminal history record
18 information maintained by the clerk of court for such individual's charged offense.
19 Notice of such petition shall be sent to the clerk of court and the prosecuting attorney.
20 A notice sent by registered or certified mail or statutory overnight delivery shall be
21 sufficient notice."

22 "(v)(1) Information restricted and sealed pursuant to this Code section shall always be
23 available for inspection, copying, and use:

- 24 (A) For the purpose of imposing a sentence under Article 3 of Chapter 8 of Title 42;
25 (B) By the Judicial Qualifications Commission;
26 (C) By an attorney representing an accused individual who submits a sworn affidavit
27 to the clerk of court attesting that such information is relevant to a criminal proceeding;
28 (D) By a prosecuting attorney or a public defender;
29 (E) Pursuant to a court order; ~~and~~
30 (F) By an individual who is the subject of restricted criminal history record information
31 or sealed court files; and
32 (G) By criminal justice agencies for law enforcement or criminal investigative
33 purposes.
34 (2) The confidentiality of such information shall be maintained insofar as practicable."

35 **SECTION 2.**

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