

Criminal History Record Information Frequently Asked Questions (FAQs)

What information is contained in a Georgia criminal history record?

The criminal history record includes the person's identification data (name, date of birth, social security number, sex, race, height, weight, etc.), arrest data (including arresting agency, date of arrest, and charges), final judicial disposition data submitted by a court, prosecutor or other criminal justice agency and custodial information if the offender was incarcerated in a Georgia correctional facility.

How do I request a correction or update of my Georgia criminal history record?

If your criminal history record has inaccurate or missing information, GCIC cannot correct or update your criminal history record without appropriate documentation and/or authorization of the submitting agency. As of December 1, 2008, law enforcement agencies must use the web-based Computerized Criminal History (CCH) User Interface to update or modify arrest and identification data submitted by their agency. All other criminal justice agencies, such as courts, prosecutors, probation/parole offices, are encouraged to transmit online updates or modifications, thereby reducing the time to complete the record update. Written requests submitted to GCIC must be on official letterhead, with the following information: full name of subject, date of birth, social security number, race, sex, and date of arrest; or State Identification Number (SID) and date of arrest or Offender Tracking Number (OTN) for that date of arrest; and the requested changes. If the above information is not included in the document, the request cannot be processed.

How do I obtain a copy of a criminal history record from a State other than Georgia?

Contact the State's criminal justice agency (Bureau of Investigation, State Police, etc.) to obtain information on requirements and fees. Requirements may be listed on the agency's website.

How do I obtain a copy of my national criminal history record?

Individuals can obtain a copy of their national criminal history record from the FBI. In order to receive a copy of your FBI record for personal, employment, or international work requirements, please visit the FBI website, <http://www.fbi.gov/hq/cjisd/fprequest.htm> for more information.

What is Georgia's First Offender Act (FOA)?

Per Georgia law (O.C.G.A. § 42-8-60), "upon a verdict or plea of guilty or nolo contendere, but before an adjudication of guilt, the court may, in the case of a defendant who has not been previously convicted of a felony, without entering a judgment of guilt and with the consent of the defendant, defer further proceeding and place the defendant on probation as a first offender.

If the terms of the first offender sentence are successfully completed, and the probationer discharged, those charges would be sealed on the GCIC database when the discharge is applied to the GCIC criminal history; however, such information may be available through other sources, including court docket books, criminal justice agency websites, or through "third party" vendors. GCIC must receive official notification that the subject has successfully completed the FOA requirements. The record is not automatically sealed based on the passage of the probation sentence.

Georgia law (O.C.G.A. § 42-8-65(b)) requires GCIC to change the first offender sentence to a conviction if, prior to successful discharge, the subject is arrested and convicted of another offense while still on first offender probation or the offender has received prior FOA treatment. Courts may also revoke a first offender sentence, indicate unsatisfactory completion of the first offender sentence or change to an adjudication of guilt.

Georgia law (O.C.G.A. § 42-8-63.1) notes offenses for which a FOA discharge may be used to disqualify a person for employment; thus the information will be disseminated to prospective employers

What is Conditional Discharge?

Conditional Discharge Programs is different from the Georgia First Offender Act, but there are distinct differences. Conditional Discharge Programs are designed for offenders who have been charged with first time underage possession of alcohol (O.C.G.A. §3-3-23.1) or drug use (O.C.G.A. §16-3-2) and placed on probation without entering a judgment of guilt. Upon fulfillment of the terms and conditions, the court shall *discharge* the person and *dismiss* the proceedings against the defendant. *Discharge and dismissal under this Code section shall be without court adjudication of guilt.* Discharge and dismissal, per code section, may occur only once with respect to any person. A person sentenced under O.C.G.A. §§ 16-13-2 or 3-3-23.1 is not eligible for record restriction under O.C.G.A §35-3-37(d)(7) unless the terms specifically provided for record restriction of the arrest record.

Contact Information

Georgia Crime Information Center

CCH/Identification Services

P.O. Box 370808

Decatur, Georgia 30037-0808

Fax: 404-270-8417

Email: **Criminal history updates/modifications** - gacriminalhistory@gbi.state.ga.us

Employment, licensing, visa (travel) or any other non-criminal justice purpose –

GAApplicant@gbi.ga.gov

Telephone Helpline: 404-244-2639

- Option 1. Criminal History Inquiries regarding Record Restriction or Updates
- Option 2. Applicant Background Information
- Option 3. Attorney or Public Defender
- Option 4. Livescan or Identification Inquiries
- Option 5. Internet Felon Criminal History