

House Bill 1720

By: Representatives Stokes of the 92nd, Ragas of the 64th, Teper of the 61st, Richardson of the 26th and Knox of the 28th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-8-65 of the Official Code of Georgia Annotated, relating to use
2 of prior finding of guilt in subsequent prosecutions, release of records of discharge,
3 modification of records to reflect conviction, and the effect of confinement sentences where
4 guilt is not adjudicated, so as to change the provisions relating to first offender dispositions
5 and the release of records thereof; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 42-8-65 of the Official Code of Georgia Annotated, relating to use of prior
9 finding of guilt in subsequent prosecutions, release of records of discharge, modification of
10 records to reflect conviction, and the effect of confinement sentences where guilt is not
11 adjudicated, is amended by striking subsection (b) of said Code section and inserting in lieu
12 thereof the following:

13 ~~"(b) The records of the Georgia Crime Information Center shall be modified, without a~~
14 ~~court order, to show a conviction in lieu of treatment as a first offender under this article~~
15 ~~whenever the conviction of a person for another crime during the term of probation is~~
16 ~~reported to the Georgia Crime Information Center. If a report is made showing that such~~
17 ~~person has been afforded first offender treatment under this article on more than one~~
18 ~~occasion, the Georgia Crime Information Center may report information on first offender~~
19 ~~treatments subsequent to the first such first offender treatment as if they were convictions.~~
20 Such showing treatment as a first offender shall only be modified when a court of
21 competent jurisdiction enters an adjudication of guilt. Records of first offender disposition
22 shall not be disseminated by the Georgia Crime Information Center except to law
23 enforcement or court officials and shall not be available to prospective employers or any
24 other person. If, however, while on first offender probation, a court of competent
25 jurisdiction adjudicates the defendant guilty, said records may be disseminated by the

1 Georgia Crime Information Center in the same manner and subject to the same restrictions
2 as any other records of convictions."

3 **SECTION 2.**

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