

February 22, 2023

The Honorable Tyler Paul Smith
Chairman, House Committee on
Judiciary Non-Civil
401-K State Capitol
Atlanta, Georgia 30334

The Honorable Deborah Silcox
Vice-Chairman, House Committee on
Judiciary Non-Civil
408-A Coverdell Legislative Office Bldg.
Atlanta, Georgia 30334

RE: Support of HB 334; Expanding access to expungement; criminal history record information restrictions for certain persons cited with or convicted of certain criminal offenses

Dear Chairman Smith, Vice-Chairman Silcox, and Members of the Committee:

As a representative of Georgia's 1.2 million small businesses, Small Business Majority writes today in support of HB 334, legislation that will expand record clearing, which will in turn increase workforce opportunities for Georgia small businesses.

Small businesses in our state are still struggling to hire and retain a ready workforce, one of the many persistent challenges in the wake of the pandemic. A parallel problem for the labor market cannot be ignored: more than 4 million Georgians have a criminal record, which reduces their opportunities to contribute to society, earn a living wage or start a new business. Even a minor criminal record can create a wall of lifelong barriers that prevent gainful employment.

Despite recent progress with the passage of SB 288 in 2021, expanding criminal records expungement will allow Georgians to pursue employment and entrepreneurship opportunities. HB 334 would remove barriers to misdemeanor expungement and bring consistency to the law. These changes will open opportunities for Georgians and expand the workforce, which is of particular concern to small businesses right now. Specifically, HB 334 would:

- Clean up unintended obstacles created by the previous law. This would allow trafficking survivors to expunge records without further delay. Those who go through an intensive year-long process to pardon their record should not have to start all over when seeking expungement.
- Remove barriers to misdemeanor expungement. The current law limits an individual to two misdemeanor expungements in their lifetime, regardless of how old the offenses are, mitigating circumstances, or what the person has accomplished since their last conviction. The legislation would allow judges to have discretion to expunge any eligible misdemeanor offense.
- Bring consistency to the expungement of misdemeanor theft offenses. All pardoned felony theft convictions are eligible for expungement, but many misdemeanor theft convictions are not. Judges should have the discretion to expunge a misdemeanor theft conviction.

HB 334 will help Georgia follow the lead of other Southern states by giving Georgians a fair chance to clear their records, while also helping to expand our skilled workforce. This measure is supported by small business owners. In fact, [recent polling](#) by Small Business Majority found that a robust 85% of Georgia small business owners support state legislation that would allow individuals to petition federal courts to seal or expunge certain records.

Georgia should continue to remove barriers for rehabilitated individuals who want to work. Making record restriction work better for more Georgians will help meet workforce needs and strengthen the economy.

We urge the House Committee on Judiciary Non-Civil to pass House Bill 334 to support small businesses across the state in efforts to access the untapped talent of the 4.3 million Georgians with a criminal record.

Sincerely,

Rachel Shanklin
Georgia Director
Small Business Majority