

Georgia



A

The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Offenses Covered:

Georgia does not limit offenses eligible for relief. This is ideal as many survivors are arrested for and convicted of a variety of offenses resulting from their trafficking experience, and not creating a barrier to offenses eligible means that more survivors can access record relief.

Hearing Requirement:

Attending a hearing can be traumatizing for survivors as well as expensive. Georgia has a conditional hearing requirement. This means the hearing is required at the court's discretion or under objection from certain state authorities such as prosecutors. Ideally, survivors could apply for relief, and based on the evidence provided, the court could decide to grant relief without having a hearing.

Not Charging to Apply for Relief:

It can be financially challenging for survivors to apply for criminal record relief as they may have to hire an attorney, get documentation, travel for hearings, etc. Georgia explicitly requires that survivors are not charged fees to apply for and access record relief and are not charged fees to clear their records with agencies and departments after being granted record relief by the courts. This removes at least one financial burden that could prevent survivors from accessing record relief.

Return of Fees and Fines:

In Georgia, the fees and fines related to an original conviction or sentence are returned to the survivor once they receive criminal record relief and their conviction or sentence is cleared.

NEEDS IMPROVEMENT:

Absence of Other Charges:

In Georgia, survivors cannot clear their records of the charges they incurred while being trafficked if they have any other charges pending, a separate criminal record in the state, or are in the process of trying to clear records in another state. Many survivors have a long history of arrests and convictions connected to their victimization. States should consider survivors' circumstances and experiences and eliminate these restrictions, which serve no purpose other than to delay relief that a person is entitled to under the law.

Trafficking Nexus:

Survivors in Georgia must prove the underlying offense and subsequent record was "proximately caused by" or "as a direct result of" being trafficked. Ideally, legislators in Georgia would change the statute to utilize less restrictive statutory language like "as a result" of trafficking or "while they were a victim" of trafficking.

Arrests and Adjudication Relief:

Relief in Georgia only applies to convictions, adjudications, and other declarations of guilt. Ideally, the statute should cover the full range of interactions a survivor has with the criminal justice system, including any records of arrest, incident reports, and non-prosecuted cases.



Statute: [Ga. Code § 17-10-21](#)