

What is a Local Record Expungement?

O.C.G.A. § 35-3-37(d) allows for the expungement of arrest charges by a local law enforcement agency when certain conditions are met (as outlined in said statute). If approved by the local arresting agency, and the appropriate prosecutor, the arrest cycle is sealed on the Georgia criminal history report by GCIC. Access to that arrest information is restricted to criminal justice agencies only. The arrest is expunged in its entirety from the FBI criminal history record.

The following are examples of final court dispositions that *may* qualify: Dismissed; Not Presented to Grand Jury; No Further Action Anticipated; Nolle Prossed/Prosequi; Dead Docket; or No Record on File. All applications must be approved or denied by the appropriate prosecutor.

To apply for the local record expungement, contact the arresting law enforcement agency to obtain an application for Local Record Expungement. The request for expungement form is a three-part form:

- Section One – You will complete Section One and return to the arresting agency.
- Section Two – Completed by the arresting agency that forwards the request to the appropriate prosecutor (District Attorney or Solicitor).
- Section Three – Completed by the prosecutor who will approve or deny the request.
- Once the prosecutor completes their portion, they will forward the complete form to GCIC.

REQUEST TO EXPUNGE ARREST RECORD

O.C.G.A. 35-3-37(d)

SECTION (1) ONE—APPLICANT INFORMATION (to be completed by requester)

Name _____

Date of Birth _____ Race _____ Sex _____

Social Security Number _____

Street Address _____

City _____ State _____ Zip _____

Arresting Agency _____

Date of Arrest _____

Offenses Arrested For: _____

I request that the arrest record information described above pertaining to me be expunged from the record(s) of the arresting agency pursuant to the provisions of O.C.G.A. 35-3-37(d).

Signature _____

Date _____

O.C.G.A. 35-3-37(d)(1) provides in part that “An individual who was (A) Arrested for an offense under the laws of this state but subsequent to such arrest is released by the arresting agency without such offense being referred to the prosecuting attorney for prosecution; or (B) After such offense referred to the proper prosecuting attorney, and the prosecuting attorney dismisses the charges without seeking an indictment or filing an

accusation may request the original agency in writing to expunge the records of such arrest. . . .”

SECTION (2)—ARREST INFORMATION (to be completed by the arresting agency)

Date Request Received _____

Original (Arresting) Agency _____

ORI Number _____

Case/Citation/Docket Number _____

Date of Arrest _____

Arrest Charges _____

Disposition of Arrest _____

Prosecuting Attorney/Court Case Referred To _____

Applicant’s State Identification Number (SID) _____

Does Applicant’s GCIC Criminal History Record Indicate the Disposition of Arrest? If none appears, a copy of final disposition or completed OBTS form MUST be attached to this request.

Signature of Official Completing Form

Attach copies of the incident report, warrants, citations, GCIC criminal history record or any other reports which may be required by the prosecuting attorney in conducting a review of this request.

SECTION (3) THREE—PROSECUTING ATTORNEY

(to be completed by prosecuting attorney only)

Date Request Received _____

Judicial Circuit _____

District Attorney/Solicitor _____

Prosecutor Assigned to Case _____

Case/Citation/Docket Number _____

Explanation for Expungement of Record _____

Approved

Denied

Signature of Prosecutor _____

Date _____