

## First Offender Information

If you are sentenced under Georgia's First Offender Act and successfully complete your sentence, you will not have a conviction and the charge will be sealed from your official criminal history.

### **ELIGIBILITY:**

1. You have never been convicted of a felony (in any state);
2. You have never been sentenced as a First Offender;
3. Your charge is not Driving under the Influence (DUI);
4. Your charge is not a serious crime committed against a law enforcement officer engaged in his duties;
5. Your charge is not a serious violent felony (O.C.G.A. §17-10-6.1);
6. Your charge is not a serious sexual offense (O.C.G.A. §17-10-6.2);
7. Your charge is not related to child pornography (O.C.G.A. §16-12-100.2); and
8. Your charge is not related to electronic sexual exploitation of a minor, computer pornography (O.C.G.A. §§ 16-12-100, et. seq)

### **PROCESS:**

1. You or your attorney must ask the judge to sentence you under the First Offender Act before you are sentenced.
2. The judge decides whether to sentence you as a First Offender, with input from your attorney and the prosecutor. (NOTE: If the judge denies the request, the decision cannot be appealed.)
3. If the judge decides to treat you as a First Offender, you will be sentenced. During your sentence, your official criminal history report will say "First Offender Act" as the result of the case.
4. If you violate the terms of your sentence, including committing another crime, and the judge revokes your First Offender status, you will be convicted and could be sentenced to the maximum punishment for the offense(s).
5. If you successfully complete your probation, the probation officer will request an Order of Discharge from the judge.
6. The judge will issue the order, and it will be filed with the clerk of court (be sure to keep a copy).
7. The Clerk of Court will enter the Order of Discharge onto your official Georgia criminal history record and the record of the case will be sealed from your GCIC criminal history record for most employers.
8. Obtain a copy of your GCIC criminal history record to make sure the First Offender case no longer appears on your report. (NOTE: Law enforcement and certain employers can still see the charge.)