

SENATE BILL 1134
By Cooper

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 32, relative to expungement of records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-32-101, is amended by deleting subsection (a)(1) and substituting instead the following:

(a)

(1)

(A) All public records of a person who has been charged with a misdemeanor or a felony shall, upon petition by that person to the court having jurisdiction in such previous action, be removed and destroyed without cost to such person if:

(i) The charge has been dismissed;

(ii) A no true bill was returned by a grand jury;

(iii) A verdict of not guilty was returned, whether by the judge following a bench trial or by a jury; or

(iv) The person was arrested and released without being charged.

(B) A person applying for the expungement of records because the charge or warrant was dismissed in any court as a result of the successful completion of a pre-trial diversion program pursuant to §§ 40-15-102 - 40-15-107, shall be charged a fee to not exceed twenty-five dollars (\$25.00) for destroying such records.

(C) A person applying to a court after October 1, 1998 for the expungement of such persons records following the successful completion of a judicial diversion program authorized by § 40-35-313, shall be charged a fee of fifty dollars (\$50.00) and such fee shall be transmitted and used in the manner set out in § 40-35-313(d)(2).

(D) Notwithstanding the provisions of subdivisions (B) and (C), the records of a person who successfully completes a pre-trial diversion program pursuant to §§ 40-15-102 - 40-15-107 or a judicial diversion program pursuant to § 40-35-313, shall not be expunged pursuant to this section if the offense for which the person was diverted was a sexual offense as defined by § 40-39-202(16), or a violent sexual offense as defined by § 40-39-202(24).

(E) A person shall not be entitled to the expungement of such person's records in a particular case if the person is convicted of any offense or charge, including a lesser included offense or charge.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.