

HOUSE BILL 2216

By Camper

AN ACT to amend Tennessee Code Annotated, Title 8,
Chapter 21; Title 10 and Title 40, Chapter 32,
relative to the destruction of certain public 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 adding the following language as a new subsection (i):

(i)

(1) Notwithstanding any other law, an order of expunction granted pursuant to subdivision (a)(1)(A), (a)(1)(F), (a)(2), (a)(3), (a)(5), (a)(6), or subsection (f) or (g) entitles the petitioner to have all public records of the expunged arrest warrant, citation, indictment, presentment, information, or conviction destroyed in the manner set forth in this section.

(2) Additionally, such an expunction has the legal effect of restoring the petitioner to the same status occupied before the arrest, indictment, presentment, information, trial, or conviction. Once the expunction order is granted and the petitioner pays any applicable fee, no direct or indirect collateral consequences that are generally or specifically attendant to the petitioner's arrest, indictment, presentment, information, trial, or conviction by any law shall be imposed or continued.

(3) A petitioner with respect to whom an order has been granted under subdivision (a)(1)(A), (a)(1)(F), (a)(2), (a)(3), (a)(5), (a)(6), or subsection (f) or (g) is not guilty of perjury, or giving a false statement, when failing to recite or

acknowledge the expunged arrest, indictment, presentment, information, trial, or conviction in response to any inquiry made of the petitioner for any purpose.

SECTION 2. Tennessee Code Annotated, Section 40-32-101(g)(10), is amended by adding the following sentence between the first and second sentences:

The fee for filing a petition for the expunction of multiple convictions under subdivision (g)(1)(C) is also only three hundred and fifty dollars (\$350).

SECTION 3. Tennessee Code Annotated, Section 40-32-101(g)(1), is amended by adding the following language as a new, appropriately designated subdivision:

(D) A person who has two (2) or more convictions, if:

(i) Each conviction sought to be expunged is not for an offense for which expunction under this subsection (g) is prohibited;

(ii) The person has never been convicted of any criminal offense, including federal offenses and offenses in other states, other than the offenses for which the petition for expunction is filed;

(iii) The judgment of conviction for the offenses were all entered on the same day and in same court; and

(iv) The court having jurisdiction to expunge the convictions requested in the petition determines that all the convictions arose from a common criminal episode as opposed to a disconnected and independent series of events for which expunction under this subsection (g) may not be appropriate.

SECTION 4. This act shall take effect July 1, 2014, the public welfare requiring it, and shall apply to petitions for expunction filed on or after such date.