

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1742 – SB 2379

March 16, 2014

**SUMMARY OF ORIGINAL BILL:** Broadens the definition of “eligible petitioner” for purposes of having criminal records expunged under Tenn. Code Ann. § 40-32-101 to include an individual convicted of one or more of the offenses listed in Tenn. Code Ann. § 40-32-101 if the offenses arose from the same conduct or criminal event.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue – Exceeds \$500/TBI  
Exceeds \$1,200/District Attorneys Expunction Fund  
Exceeds \$100/Public Defenders Expunction Fund  
Exceeds \$1,300/General Fund

Increase Local Revenue – Exceeds \$100/Court Clerks

**SUMMARY OF AMENDMENT (014472):** Adds a section that makes a technical code citation correction.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Under Tenn. Code Ann. § 40-32-101(g)(10), the \$350.00 fee one pays for having records expunged is distributed as follows:
  - \$10.00 to the court clerk collecting the fee;
  - \$50.00 to the Tennessee Bureau of Investigation (TBI);
  - The remainder (\$290.00) is distributed:
    - 5 percent (\$14.50) to the public defenders expunction fund;
    - 45 percent (\$130.50) to the district attorneys expunction fund; and
    - 50 percent (\$145.00) to the general fund.
- It is assumed that the proposed legislation will result in at least 10 additional expunctions each year.

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- The proposed legislation will increase state revenue as follows:
  - TBI –  $\$50 \times 10 = \$500$ ;
  - Public Defenders Expunction Fund –  $\$14.50 \times 10 = \$145$ ;
  - District Attorneys Expunction Fund –  $\$130.50 \times 10 = \$1,305$ ; and
  - General Fund –  $\$145 \times 10 = \$1,450$ .
- The total increase in state revenue is  $\$3,400$  ( $\$500 + \$145 + \$1,305 + \$1,450$ ).
- The proposed legislation will result in an increase in local revenue in an amount equal to  $\$100$  ( $\$10 \times 10$ ).

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/trm