

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1963 – SB 2156

March 15, 2016

SUMMARY OF ORIGINAL BILL: Provides that the fee for filing a petition for the expunction of multiple convictions under Tenn. Code Ann. § 40-32-101 shall be the same fee as for other expunctions, i.e., \$350.

Deletes subdivision Tenn. Code Ann. § 40-32-101(g)(15), which provides that: (1) an order of expunction entitles the petitioner to have all public records of the expunged conviction destroyed; (2) an expunction has the legal effect of restoring the petitioner to the same status occupied before the arrest, indictment, information, trial, and conviction; (3) a petitioner shall not be guilty of perjury or otherwise giving a false statement by reason of the person's failure to recite or acknowledge the arrest, indictment, information, trial, or conviction in response to any inquiry; (4) expunction means the conviction for the expunged offense never occurred; and (5) a petitioner who is otherwise eligible under state or federal law is authorized to possess a firearm.

Adds a new subsection to Tenn. Code Ann. § 40-32-101 which is substantially similar to the deleted subdivision (g)(15), but applies to expunctions ordered under (a)(1)(A) [dismissals and nolle prosequis], (a)(1)(F) [not guilty verdict], (a)(2) [expiration of bond], (a)(3) [petition in court that entered nolle prosequi], (a)(5) [successful defense of an order of protection], (a)(6) [successful completion of pretrial diversion], (g), and (h) rather than just subsections (g) and (h).

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (013750): Deletes all language after the enacting clause.

Deletes Tenn. Code Ann. § 40-32-101(g)(9) that required the District Public Defender in each judicial district to annually conduct at least one educational program providing information and assistance with the expunction process generally and as established by Tenn. Code Ann. § 40-32-101(g).

Deletes provision in Tenn. Code Ann. § 40-32-101(g)(12) that required moneys in the public defenders expunction fund to be used to defray the expense of the educational program required in Tenn. Code Ann. § 40-32-101(g)(9).

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FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

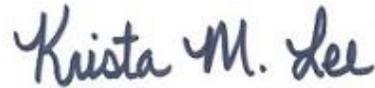
Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The bill as amended will decrease expenditures of the District Public Defenders Conference relative to the expunction educational programs.
- However, it is assumed that the moneys expended on the educational programs will be expended in furtherance of the services and programs provided by public defenders for each judicial district.
- It is assumed that the net impact of the bill as amended will be not significant.

CERTIFICATION:

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



Krista M. Lee, Executive Director

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