

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2102 – SB 2279

March 21, 2016

SUMMARY OF ORIGINAL BILL: Entitles any person to expunction of records at no cost if the person was arrested, charged, or indicted for a criminal act due to a case of mistaken identity. Shifts the burden of petitioning the court for expunction to the investigating chief of police, sheriff, or prosecuting attorney. Defines “mistaken identity” for purposes of the bill.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014720): Deletes all language after the enacting clause.

Authorizes any person seeking expunction under Tenn. Code Ann. § 40-32-101(a)(1)(A) to have the expunction expedited if the person was arrested or charged due to mistaken identity, the person provides evidence of the relevant circumstances, and the person requests the court to order the expunction to be expedited. The Tennessee Bureau of Investigation (TBI) must expedite the destruction of the person’s records if the court orders the expunction be expedited.

Defines “mistaken identity” for purposes of expedited expunctions.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

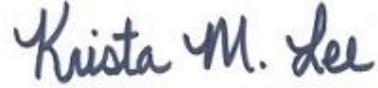
- Under Tenn. Code Ann. § 40-32-101, anyone arrested, charged, or indicted for a criminal offense is entitled to an expunction at no cost if the person is arrested but not charged, no true bill is returned, or the person was indicted but the case is dismissed.
- It is assumed that there are not a significant number of mistaken identity cases to which the bill as amended would apply. It is further assumed that expediting these expunctions will not significantly impact the TBI.
- It is assumed that local law enforcement and the district attorneys can handle any impact within their existing resources.

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- Local law enforcement contacts confirm the legislation will not significantly impact their operations.

CERTIFICATION:

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

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm