

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1859 – HB 2026

March 22, 2016

SUMMARY OF ORIGINAL BILL: Provides that a person convicted of theft of property or services as a Class D felon (\$1,000 – \$10,000) and sentenced to imprisonment for a term of three years or less is an eligible petitioner for purposes of the expungement of records.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue – \$1,500/General Fund
\$500/Tennessee Bureau of Investigation
\$1,300/District Attorneys General Conference
\$100/District Public Defenders Conference

Increase Local Revenue – \$1,100

SUMMARY OF AMENDMENT (014299): Deletes all language after the enacting clause. Rewrites Tenn. Code Ann. § 40-32-101(g)(1)(A) to authorize expunction of theft-related Class E felonies, for which a person was sentenced to less than three years imprisonment, irrespective of the grading amounts.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

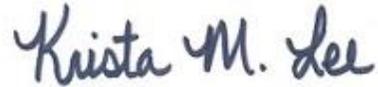
- Tennessee Code Annotated § 39-14-105 grades theft-related offenses based on value of the property. Theft or a theft-related offense is a Class E felony when the value of the property is more than \$500 but less than \$1,000.
- Tennessee Code Annotated § 40-32-101(g)(1)(A) defines “eligible petitioner” to mean any person convicted of a Class E felony listed in the subdivision and sentenced to imprisonment for a term of three years or less.
- Tennessee Code Annotated § 40-32-101(g)(1)(A) lists theft and various theft-related offenses that are eligible for expunction. The subdivision for each offense also includes language that refers to the value range for that Class E felony offense (e.g., “\$501 – \$999” or “up to \$1,000”).

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- The bill as amended deletes the limiting language, which will allow a person convicted of Class E felony theft to be eligible for expunction irrespective of the value range.
- The bill as amended will not significantly impact state or local revenue from expunctions.

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