

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2102 - SB 2279

February 11, 2016

SUMMARY OF 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.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- 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.
- The bill merely shifts the burden to petition from the individual to the chief of police, sheriff, or prosecuting attorney when the case involves mistaken identity.
- It is assumed that there are not a significant number of mistaken identity cases to which the bill would apply. It is assumed that local law enforcement and the district attorneys can handle any impact within their existing resources.
- Local law enforcement contacts confirm the bill 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".

Krista M. Lee, Executive Director

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