

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 1859 - HB 2026**

March 10, 2016

**SUMMARY OF 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.

**ESTIMATED FISCAL IMPACT:**

**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**

Assumptions:

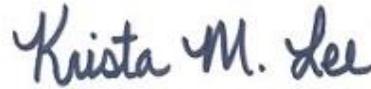
- Since the expunction law was changed by Public Chapter 1103 of 2012, the number of expunctions filed each year has been drastically less than estimated. Approximately one percent of original projections have been realized.
- Statistics from the Department of Correction (DOC) show a 10-year average of 961.2 admissions per year for Class D felony theft.
- Assuming every one of these admissions was eligible for expunction under the bill and that approximately one percent will petition for expunction, it would result in approximately 10 petitions ( $961.2 \times 0.01$ ) for expunction each year.
- Statistics from the DOC show the average time served for Class D felony theft is 2.04 years. The release eligibility for most Range I and II offenders is 30 or 35 percent. The fact that the average person sentenced to imprisonment for Class D felony theft serves two years indicates that most receive sentences of imprisonment for more than three years.
- However, the bill applies to all persons convicted after November 1, 1989. It is assumed that the pool of individuals that will be eligible for expunction under the bill is at least 961 individuals.
- It is assumed that the bill will result in 10 ( $961 \times 0.01$ ) additional petitions for expunction each year.
- Under Tenn. Code Ann. § 40-32-101(g)(10), the \$350 fee one pays for having records expunged is distributed as follows:

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- \$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.
- In addition to the \$350 fee, a court clerk is authorized to charge an additional \$100 fee for processing the expungement.
- The bill will result in a recurring increase in local revenue estimated to be \$1,100 [(\$10 + \$100) x 10 expungements].
- In addition, the bill will result in recurring increases in state revenue estimated as follows:
  - TBI – \$500 (10 expungements x \$50);
  - Public Defenders – \$145.00 (10 expungements x \$14.50);
  - District Attorneys – \$1,305.00 (10 expungements x \$130.50); and
  - General Fund – \$1,450 (10 expungements x \$145.00).

**CERTIFICATION:**

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



Krista M. Lee, Executive Director

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