

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 266 - SB 778

March 5, 2019

**SUMMARY OF ORIGINAL BILL:** Requires a person to automatically be granted an order of expunction if the person has not been charged with a misdemeanor or felony within three years following the original charge. Requires the clerk of the court in coordination with the Tennessee Bureau of Investigation (TBI) to expunge such records in an expedited manner. Requires a judge to dismiss any pending misdemeanor charge if a final verdict has not been rendered within three years after an offense has been committed, unless certain criteria are met.

**CORRECTED FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures – \$4,500/General Fund/One-Time

Decrease State Revenue –

\$806,400/Recurring/TBI

\$2,073,600/Recurring/District Attorney Expunction Fund

Increase Local Expenditures – Exceeds \$20,000/One-Time\*

Exceeds \$100,000/Recurring\*

Other Fiscal Impact – The proposed legislation could jeopardize federal funding if it is determined that the state is noncompliant with federal law. The Department of Transportation reports that National Highway System Performance Plan and Surface Transportation Program funds could be withheld.

**SUMMARY OF AMENDMENT (005255):** Deletes all language after the enacting clause. Requires a judge to notify a person that has been convicted of a misdemeanor offense that is eligible for expunction that such offense is eligible for expunction and to specify the time period after which the person is authorized to petition for expunction.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

NOT SIGNIFICANT

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Assumption for the bill as amended:

- Any impact to state or local government resulting from requiring a judge to relay such information during sentencing is estimated to be not significant.

**CERTIFICATION:**

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

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

Krista Lee Carsner, Executive Director

/amj