

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 134 - SB 88

January 27, 2020

SUMMARY OF BILL: Decreases, from five to three years, the time period after the completion of a person's sentence that a person is authorized to petition the court for expunction of eligible misdemeanor offenses.

ESTIMATED FISCAL IMPACT:

On March 18, 2019, a fiscal note was issued estimated a fiscal impact as follows:

*Increase State Revenue – Exceeds \$2,400,000/One-Time/TBI
Exceeds \$6,240,000/One-Time/District Attorneys
Expunction Fund*

Increase Local Revenue – Exceeds \$4,800,000/One-Time

On April 25, 2019, Public Chapter 200 of 2019 was signed into law which removed the \$180 fee for an individual petitioning the court for an expunction of certain criminal offenses and the \$350 fee for a defendant applying for expunction of an offense following the completion of a diversion program. As such, the estimated fiscal impact has been corrected as follows:

(CORRECTED)

Increase Local Revenue – Exceeds \$4,800,000/FY20-21

Corrected Assumptions:

- Pursuant to Tenn. Code Ann. §40-32-101(g)(2)(B) five years are required to have elapsed since the completion of a sentence imposed for an eligible offense in order for a person to petition the court for expunction.
- The proposed legislation decreases such period of time to three years after the completion of a sentence imposed for an eligible misdemeanor offense.
- Based on information provided by the Tennessee Bureau of Investigation (TBI), the average number of felony and misdemeanor expunctions processed by TBI per year is 64,000.
- This analysis assumes 50 percent or 32,000 (64,000 x 50%) expunctions are for felony convictions, and 50 percent or 32,000 expunctions are for misdemeanor convictions.

- This analysis assumes the proposed legislation will result in a one-time increase of at least a 150 percent, or at least 48,000 (32,000 x 150%) additional misdemeanor expunctions resulting from the ability to petition earlier than under current law.
- Pursuant to Tenn. Code Ann. § 8-21-401(d)(2), a clerk is required to charge \$100 for proceedings related to criminal expungements.
- The proposed legislation will result in a one-time increase in local revenue in FY20-21 estimated to exceed \$4,800,000 (48,000 misdemeanor expunctions x \$100).

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