

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2901 - SB 2830**

February 12, 2020

**SUMMARY OF BILL:** Requires that the public records of a criminal defendant sentenced on or after July 1, 2020, are automatically expunged if the defendant has fulfilled the requirements for expunction by petitioning the court.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-32-101(g)(1)(B), a person who commits certain crimes is authorized to petition the court for expunction.
- Per this legislation, at the time of sentencing the trial judge is required to determine if the defendant may become an eligible petitioner with respect to expunction of the conviction offense. If so, the court shall order the automatic expunction of the defendant's public records of conviction to take effect following the completion of the applicable time period after the date the defendant has fulfilled all requirements of the sentence. The defendant is not required to file a petition of expunction. The automatic expunction is conditioned upon the defendant fulfilling all requirements, including all payment of court costs or similar requirements.
- Public Chapter 200 (2019) removed state application fees for applying for expunction.
- Pursuant to Tenn. Code Ann. § 8-21-401(d)(2), a court clerk shall charge a fee of \$100 for proceedings related to expungements.
- This fee is a requirement for expungement, and therefore, must still be paid under this legislation. As such, there will not be a significant impact to the total expunctions that are carried out each year and there will not be a significant impact to local government revenue.
- Any increase in workload to the courts can be accomplished within existing resources.

**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 style with a large initial 'K' and 'C'.

Krista Lee Carsner, Executive Director

/jmg