



February 8, 2022

SUMMARY OF BILL AS AMENDED (013388): Authorizes a person to petition for expunction if the person has not been convicted of a criminal offense that is ineligible for expunction. Clarifies that a person is only eligible for expunction of criminal records once. Changes the time elapsing requirements since completion of sentence to specify that the applicable amount of time passed be for the person's most recent criminal offense.

FISCAL IMPACT OF BILL AS AMENDED:

Increase Local Revenue – \$939,700/FY22-23 and Subsequent Years

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-32-101, a person who commits certain crimes is authorized to petition the court for expunction if:
 - The person has never been convicted of any criminal offense, other than the offense committed for which the petition for expunction is filed; and
 - At least five years have elapsed since the completion of sentence imposed for a misdemeanor or Class E felony or at least ten years have elapsed since the completion of sentence imposed for a Class C or Class D felony.
- The proposed legislation authorizes a person to petition for expunction if the person has a conviction for another eligible offense.
- Based on information provided by the Department of Correction, there has been an average of 9,056 individual admissions for all felony offenses and an average of 12,427 sentences in each year over the last 10 years.
- There has been an average of 3,371 more sentences than individuals (12,427 sentences – 9,056 individual people) in each year due to individuals carrying multiple convictions.
- It is estimated that up to 37 percent (3,371 / 9,056) of total individual admissions per year have more than one conviction and are ineligible to petition for expunction under current law.
- It is reasonably assumed the remaining 63 percent (100 – 37) of total individual admissions per year have only one conviction and are eligible to petition for expunction under current law, provided they meet other statutory criteria.
- There is an average of at least 64,000 expunctions processed each year.
- The number of individuals eligible to petition for expunction as a result of the proposed legislation is estimated to be up to 101,587 (64,000 / 63.0%), or an increase of up to 37,587 (101,587 – 64,000).

- It is reasonably assumed 25 percent or 9,397 (37,587 x 25.0%) will meet the time elapsing requirements since completion of sentencing and will petition for expunction.
- Pursuant to Tenn. Code Ann. § 8-21-401(d)(3), the court clerk is authorized to charge a fee up to \$100 for expungements.
- Public Chapter 200 of 2019 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.
- The total increase in local government revenue is estimated to be \$939,700 (9,397 x \$100) in FY22-23 and subsequent years.
- 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, flowing style.

Krista Lee Carsner, Executive Director

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