

SB 1349 - HB 1391

FISCAL NOTE



Fiscal Review Committee
Tennessee General Assembly

March 9, 2025

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SUMMARY OF BILL: Requires the clerks of each court with criminal jurisdiction to remove and destroy all public records of a conviction for a misdemeanor or Class E felony that is eligible for expunction. Requires the court in which the person is convicted on or after July 1, 2025, of a misdemeanor or Class E felony that must be expunged to notify the clerk of the date that the person has completed the sentence imposed and sign an order of expunction for the records of the conviction to be destroyed one year from such date. Requires the clerk to remove and destroy all public records of the conviction without cost to the person. Requires the clerk to mail a copy of the order of expunction to the defendant's last known address following the removal and destruction of all public records.

Authorizes a person who was convicted prior to July 1, 2025, of a misdemeanor or Class E felony that is eligible for expunction to request the clerk of the court in which the conviction occurred to remove and destroy all public records of the conviction. Requires the clerk to notify the court of the request. Requires the court to determine whether the conviction is eligible for automatic expunction and, if so, enter an order of expunction within thirty days of the request. Requires the clerk to mail the person the court's determination and include a copy of the order of expunction, if applicable. Requires the clerk to destroy public records of a conviction for which an order of expunction was entered without cost to the person.

FISCAL IMPACT:

STATE GOVERNMENT	
EXPENDITURES	General Fund
FY25-26 & Subsequent Years	> \$3,502,800
Total Positions Required: 32	

LOCAL GOVERNMENT	
REVENUE	Mandatory
FY25-26 & Subsequent Years	(\$5,760,000)

Assumptions:

- Pursuant to Tenn. Code Ann. § 8-21-401(d)(3), a court is authorized to charge a \$100 fee to process petitions for expunction.
- The proposed legislation removes the requirement to petition for expunction and thus, the potential requirement to pay a \$100 fee, for any person that has completed a sentence for a misdemeanor or Class E felony conviction that meets the criteria of this legislation.
- Based on information previously provided by the Tennessee Bureau of Investigation (TBI), it is estimated that there are approximately 72,000 petitions for expunction filed each year. It is not known precisely how many or what percentage of those petitions will be eliminated by expunging misdemeanors and Class E felonies that meet the proposed criteria automatically. It is assumed to reduce them by 80 percent.
- Therefore, the decrease in local revenue related to a decrease in the number of petitions for expungement filed is estimated to be \$5,760,000 (72,000 petitions x 80% x \$100) in FY25-26 and subsequent years.
- The proposed legislation significantly changes the process by which expungements and petitions for expungement are currently administered. Most significantly, it shifts the responsibility of determining eligibility of offenses for expunction from a shared responsibility between the petitioner, the district attorney's (DA) office, and the court, with the DA's office doing most of the review work and presenting evidence to the court regarding their judgement on eligibility, to all of the responsibility for vetting offenses for eligibility on the courts. Secondly, it requires court to notify the court clerk that imposed the sentence upon a relevant defender's completion of the sentence and sign an order of expunction for the conviction records to be destroyed one year from the date. Currently, according to information provided by the relevant entities, there are no systems or processes, nor adequate resources or personnel in place at most of these entities to effectuate the legislation's requirements.
- The Administrative Office of the Courts (AOC) will require 32 additional full-time positions, one for each judicial district around the state, to serve as expungement coordinators, working closely with clerks, judges, court staff, the TBI, and state and local law enforcement and correctional authorities to determine eligibility and process expungements.
- In addition to salary and benefits, there will be an unknown increase in state expenditures needed to set up the offices of these personnel across the state and provide them with the appropriate equipment, supplies, communication, and other necessities.
- Therefore, the recurring increase in state expenditures related to the expungement coordinators is estimated to exceed \$3,502,752 (\$2,784,000 salary + \$718,752 benefits) in FY25-26 and subsequent years.
- Local DA's offices across the state are estimated to realize a significant decrease in workload related to vetting petitions for expunction and eligibility of offenses. The precise fiscal impact of any such decrease is unknown and cannot be reasonably quantified. It is assumed that the decrease in workload is not enough to justify the discharge of any current staff.
- The proposed legislation is also estimated to increase the workload on local court clerks to some degree. However, they will also realize a significant decrease in workload related to processing petitions that will no longer be filed and it is assumed that most of the burden

related to any new responsibilities of local courts can be accommodated by the new expungement coordinators provided to the AOC. It is assumed that any remaining burden that falls on local clerks of court can be accommodate utilizing existing resources and personnel.

- The total increase in state expenditures is estimated to exceed \$3,502,752 in FY25-26 and subsequent years.

CERTIFICATION:

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

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Executive Director