

HOUSE BILL 587

By Staples

AN ACT to amend Tennessee Code Annotated, Title 39
and Title 40, relative to expunction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-32-101(g)(1)(A), is amended by deleting the language "A person who was convicted of one of the following Class E felonies" and substituting instead the language "A person who was convicted of one of the following Class E or Class D felonies".

SECTION 2. Tennessee Code Annotated, Section 40-32-101(g)(1)(A), is further amended by deleting subdivision (iv) and substituting instead the following:

(iv) Section 39-14-105(a)(2) or (a)(3) – Theft (Class D or Class E felony);

SECTION 3. Tennessee Code Annotated, Section 40-32-101(g)(1)(A), is further amended by deleting subdivision (v) and substituting instead the following:

(v) Section 39-14-114(c) – Forgery (Class D or Class E felony);

SECTION 4. Tennessee Code Annotated, Section 40-32-101(g)(1)(A), is further amended by deleting subdivision (vi) and substituting instead the following:

(vi) Section 39-14-115 – Criminal simulation (Class D or Class E felony);

SECTION 5. Tennessee Code Annotated, Section 40-32-101(g)(1)(A), is further amended by deleting subdivision (ix) and substituting instead the following:

(ix) Section 39-14-118 – Fraudulent use of credit card or debit card (Class D or Class E felony);

SECTION 6. Tennessee Code Annotated, Section 40-32-101(g)(1)(A), is further amended by deleting subdivision (x) and substituting instead the following:

(x) Section 39-14-121 – Worthless checks (Class D or Class E felony);

SECTION 7. Tennessee Code Annotated, Section 40-32-101(g)(2)(B), is amended by deleting the subdivision and substituting instead the following:

(B) At the time of the filing of the petition for expunction:

(i) If the conviction was a misdemeanor or Class E felony or a combination of misdemeanors and Class E felonies pursuant to subdivision (g)(1)(E), at least five (5) years have elapsed since the completion of the sentence imposed; or

(ii) If the conviction was a Class D felony or a combination of a Class D felony and any other eligible offense pursuant to subdivision (g)(1)(E), at least ten (10) years have elapsed since the completion of the sentence imposed;

SECTION 8. Tennessee Code Annotated, Section 40-32-101(k)(1)(C), is amended by deleting the subdivision and substituting instead the following:

(i) If the offenses were both misdemeanors or a Class E felony and a misdemeanor, at the time of the filing of the petition for expunction at least five (5) years have elapsed since the completion of the sentence imposed for the most recent offense; or

(ii) If one (1) of the offenses was a Class D felony, at the time of the filing of the petition for expunction at least ten (10) years have elapsed since the completion of the sentence imposed for the most recent offense; and

SECTION 9. This act shall take effect July 1, 2019, the public welfare requiring it.