



State of Tennessee

PUBLIC CHAPTER NO. 962

SENATE BILL NO. 2844

By Roberts

Substituted for: House Bill No. 2686

By Doggett, Lamberth

AN ACT to amend Tennessee Code Annotated, Section 40-32-101, relative to expunction.

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

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

(2) An eligible petitioner under this subdivision (g)(1) may file a petition for expunction of that person's public records involving a criminal offense eligible for expunction if:

(A)(i) The offense for which the person is seeking expunction is any offense that occurred prior to any conviction for a criminal offense that is ineligible for expunction, including convictions for federal offenses and offenses in other states that would be ineligible for expunction in this state; provided, that a moving or nonmoving traffic offense shall not be considered an offense as used in this subdivision (g)(2)(A)(i); and

(ii) The person has not previously been granted expunction under this subsection (g), subsection (k), or subsection (m) for another criminal offense;

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

(i) Five (5) years have elapsed since the completion of the sentence imposed for the offense the person is seeking to have expunged, if the offense is a misdemeanor or Class E felony; or

(ii) Ten (10) years have elapsed since the completion of the sentence imposed for the offense the person is seeking to have expunged, if the offense is a Class C or D felony; and

(C) The person has fulfilled all the requirements of the sentence imposed by the court in which the individual was convicted of the offense, including:

(i) Payment of all fines, restitution, court costs, and other assessments;

(ii) Completion of any term of imprisonment or probation;

(iii) Meeting all conditions of supervised or unsupervised release; and

(iv) If so required by the conditions of the sentence imposed, remaining free from dependency on or abuse of alcohol or a controlled substance or other prohibited substance for a period of not less than one (1) year.

SECTION 2. Tennessee Code Annotated, Section 40-32-101, is amended by deleting subdivision (k)(1) and substituting:

(1) Notwithstanding subdivision (g)(2), for purposes of this subsection (k), an "eligible petitioner" means a person who is seeking expunction of no more than two (2) offenses and:

(A) Each of the offenses for which the petitioner seeks expunction:

(i) Are offenses that are eligible for expunction under subdivision (g)(1); and

(ii) Occurred prior to any conviction for a criminal offense that is ineligible for expunction, including convictions for federal offenses and offenses in other states that would be ineligible in this state; provided, that a moving or nonmoving traffic offense shall not be considered an offense as used in this subdivision (k)(1)(A);

(B) The offenses were:

(i) Two (2) misdemeanors; or

(ii) One (1) felony and one (1) misdemeanor;

(C) At the time of the filing of the petition for expunction at least:

(i) Five (5) years have elapsed since the completion of the sentence imposed for any misdemeanor or Class E felony the person is seeking to have expunged; and

(ii) Ten (10) years have elapsed since the completion of the sentence imposed for any Class C or D felony offense the person is seeking to have expunged;

(D) The person has fulfilled all the requirements of the sentences imposed by the court for each offense the petitioner is seeking to expunge, including:

(i) Payment of all fines, restitution, court costs, and other assessments for each offense;

(ii) Completion of any term of imprisonment or probation for each offense;

(iii) Meeting all conditions of supervised or unsupervised release for each offense; and

(iv) Remaining free from dependency on or abuse of alcohol or a controlled substance or other prohibited substance for a period of not less than one (1) year, if so required by the conditions of any of the sentences imposed; and

(E) The person has not previously been granted expunction under subsection (g), this subsection (k), or subsection (m) for another criminal offense.

SECTION 3. Tennessee Code Annotated, Section 40-32-101(k), is amended by adding the following as a new subdivision:

(5) If a person was convicted of more than one (1) offense listed in subdivision (g)(1) and the conduct upon which each conviction is based occurred contemporaneously, occurred at the same location, represented a single continuous criminal episode with a single criminal intent, and all such convictions are eligible for expunction under this part, then such convictions shall be considered a single offense for purposes of subdivision (k)(1).

SECTION 4. Tennessee Code Annotated, Section 40-32-101, is amended by deleting subdivision (m)(1)(C) and substituting:

(C) The offense for which the person is seeking expunction occurred prior to any conviction for a criminal offense that is ineligible for expunction, including convictions for federal offenses and offenses in other states that would be ineligible for expunction in this state; provided, that a moving or nonmoving traffic offense shall not be considered an offense as used in this subdivision (m)(1)(C); and

SECTION 5. Tennessee Code Annotated, Section 40-32-101, is amended by deleting subdivision (k)(2).

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 2844

PASSED: April 23, 2024



RANDY McNALLY
SPEAKER OF THE SENATE



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 9th day of May 2024



BILL LEE, GOVERNOR