

HOUSE BILL 3700

By Dennis

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 32, Part 1, relative to the destruction of
certain public records.

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 (a)(1)(E) and substituting instead the following:

(E) A person is not entitled to the expunction of such person's records if:

(i) The person is charged with an offense, is not convicted of the charged offense, but is convicted of an offense relating to the same criminal conduct or episode as the charged offense, including a lesser included offense; or

(ii) The person is charged with multiple offenses or multiple counts in a single indictment and is convicted of:

(a) One (1) or more of the charged offenses or counts in the indictment; or

(b) An offense relating to the same criminal conduct or episode as one (1) of the offenses charged in the indictment, including a lesser included offense.

SECTION 2. Tennessee Code Annotated, Section 40-32-101(a), is amended by adding the following new subdivision (6):

(6) Except as provided in subsection (f), it is the intent of this section that a person is entitled to the expunction of public records in a criminal case only if the person successfully completes a judicial diversion program pursuant to § 40-35-313 or the charges against such person are dismissed and the person exonerated by reason of one (1) of the results specified in this section.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.