

SENATE BILL 778

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 40,
relative to misdemeanors.

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

SECTION 1. Tennessee Code Annotated, Section 40-2-102(a), is amended by deleting the subsection and substituting instead the following:

Except as provided in § 62-18-120(g) and subsection (b) of this section, all prosecutions for misdemeanors shall be commenced within the twelve (12) months after the offense has been committed, except gaming, which shall be commenced within six (6) months. A judge shall dismiss any pending misdemeanor charge if a final verdict has not been rendered within three (3) years after the offense has been committed, unless the district attorney general can show good cause for the delay or the defendant has been charged with a subsequent misdemeanor or felony within the three-year period following the original offense.

SECTION 2. Tennessee Code Annotated, Section 40-32-101, is amended by adding the following language as a new, appropriately designated subsection:

() Notwithstanding subsection (g), a person charged with or convicted of a nonviolent misdemeanor, as determined by the judge at the time of sentencing, shall automatically be granted an order of expunction that entitles the person to have all public records of the charge or conviction destroyed in the manner set forth in this section, if the person has not been charged with a subsequent misdemeanor or felony within the three (3) years immediately following the original charge. The clerk of the court in coordination with the Tennessee bureau of investigation shall expunge the records of the person in an expedited manner.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to violations occurring on or after that date.