

SENATE BILL 2279

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 32, relative to expunction of certain
criminal 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 adding the following as a new subsection:

(k)

(1) A person who has been arrested, charged, or indicted for a criminal act due to a case of mistaken identity is entitled to expunction of the person's records relating to the arrest, charge, or indictment. The investigating chief of police or sheriff or the prosecuting district attorney general shall petition the court with criminal jurisdiction over the alleged act for the removal and destruction of the records. Upon receipt of a petition, the court shall order the removal and destruction of the records without cost to the person.

(2) As used in this subsection, "mistaken identity" means during the investigation of a criminal offense, a person has been arrested, charged, or indicted for a criminal act and subsequent investigation has revealed that the person arrested was not the individual the arresting officer believed the person to be.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.