

SENATE BILL 2830

By Robinson

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

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

SECTION 1. Tennessee Code Annotated, Section 40-35-209, is amended by adding
the following new subsection (h):

(h)

(1)

(A) In addition to the information required on the uniform judgment document, at the time of sentencing the trial judge shall determine if the defendant may become an eligible petitioner with respect to expunction of the conviction offense or offenses under § 40-32-101. If the conviction offense or offenses do not preclude the defendant from expunction eligibility, the court shall order the automatic expunction of the defendant's public records of conviction to take effect following the completion of the applicable time period after the date the defendant has fulfilled all requirements of the sentence, subject to the requirement in (h)(2). The defendant is not required to file a petition of expunction under § 40-32-101(g) if this subsection (h) is applicable.

(B) The court shall transmit a copy of the order to the district attorney general of the district in which the conviction occurred, the parole board, the department of correction, and the clerk in the court where the conviction occurred.

(2) The automatic expunction authorized by this subsection (h) is conditioned upon the defendant fulfilling all requirements of § 40-32-101(g)(2). If any of the officials receiving a copy of the expunction order pursuant to this subdivision (h)(2) believe that the defendant has not fulfilled a requirement over which the official has jurisdiction, the official shall make a notation on the automatic expunction order of the defendant's specific area of noncompliance and shall transmit the order to the court that issued the order.

(3) If the judge finds that the defendant is or was out of compliance with any requirement found in § 40-32-101(g)(2) prior to the time the automatic expunction order takes effect, the court shall notify the defendant of the noncompliance. If those areas are payment of court costs or similar requirements that the defendant can comply with before the expiration of the expunction order, the defendant has sixty (60) days to do so.

(A) If the defendant cannot or does not comply with the requirements within the sixty-day period as determined by the court, the automatic expunction order is void.

(B) If the defendant demonstrates to the judge that the defendant has come into compliance with the requirements for expunction within the sixty-day period, the order remains in effect.

(C) If the defendant does not come into compliance under subdivision (h)(3)(B) within the allotted time, the defendant must file a petition for expunction as set out in § 40-32-101 in order to have the defendant's records expunged.

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

(l) Notwithstanding this section, a defendant who is sentenced on or after July 1, 2020, may have public records of a conviction or convictions automatically expunged

without necessity of filing a petition with the court in accordance with the requirements of § 40-35-209(h).

SECTION 3. This act shall take effect July 1, 2020, the public welfare requiring it, and shall apply to criminal defendants who are sentenced on or after that date.