

HOUSE BILL 1177

By Towns

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 1 and Title 40, Chapter 15, relative to juvenile proceedings.

WHEREAS, the General Assembly finds that fairness in the conduct of all judicial proceedings, especially those proceedings that affect the youngest of possible offenders, is paramount to the operation of an effective government; and

WHEREAS, those children who are in need of correction, treatment, and encouragement to be productive members of their communities by a juvenile court are entitled to the same treatment as similarly situated children in their communities, including children who may be of a different socioeconomic background or racial heritage; and

WHEREAS, the General Assembly is concerned that some children in this state may not have received the same treatment as similarly situated children in their communities and finds that those children should be entitled to an expunction of those records as a matter of fundamental fairness; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Section 37-1-153, is amended by inserting the following as a new subsection (g) thereto:

(g) In addition to the expunction allowed pursuant to subsection (f), any person who was tried and adjudicated delinquent by a juvenile court may subsequently petition the juvenile court for expunction of all court files and records. The court shall order all of the requested expunction if the court finds that:

(1) The petitioner is currently eighteen (18) years of age or older;

(2) The petitioner was tried for delinquency during the year 1998 or at

any time thereafter; and

(3) The petitioner was tried for an offense for which any other juvenile who resided in the petitioner's jurisdiction, or in any jurisdiction adjacent to or within the same county as the petitioner, during the period from 1998 through the date of the petition, received pretrial diversion pursuant to title 40, chapter 15, rather than being tried for delinquency.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.