

HOUSE BILL 1963

By Camper

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 21; Title 10 and Title 40, Chapter 32, 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 adding the following language as a new subsection:

()

(1) Notwithstanding any other law, an order of expunction granted pursuant to subdivision (a)(1)(A), (a)(1)(F), (a)(2), (a)(3), (a)(5), or (a)(6) or subsection (f), (g), or (h) entitles the petitioner to have all public records of the expunged arrest warrant, citation, indictment, presentment, information, or conviction destroyed in the manner set forth in this section.

(2) Additionally, such an expunction has the legal effect of restoring the petitioner to the same status occupied before the arrest, indictment, presentment, information, trial, or conviction. Once the expunction order is granted and the petitioner pays any applicable fee, no direct or indirect collateral consequences that are generally or specifically attendant to the petitioner's arrest, indictment, presentment, information, trial, or conviction by any law shall be imposed or continued.

(3) A petitioner with respect to whom an order has been granted under subdivision (a)(1)(A), (a)(1)(F), (a)(2), (a)(3), (a)(5), or (a)(6) or subsection (f), (g), or (h) shall not be guilty of perjury, or giving a false statement, when failing to recite or acknowledge the expunged arrest, indictment, presentment, information,

trial, or conviction in response to any inquiry made of the petitioner for any purpose.

(4) Expunction granted pursuant to subdivision (a)(1)(A), (a)(1)(F), (a)(2), (a)(3), (a)(5), or (a)(6) or subsection (f), (g), or (h) means, in contemplation of law, the conviction for the expunged offense never occurred and the person shall not suffer any adverse effects or direct disabilities by virtue of the criminal offense that was expunged.

(5) Notwithstanding § 39-17-1307(b)(1)(B) and (c), a petitioner whose petition is granted pursuant to subdivision (a)(1)(A), (a)(1)(F), (a)(2), (a)(3), (a)(5), or (a)(6) or subsection (f), (g), or (h), and who is otherwise eligible under state or federal law to possess a firearm, shall be eligible to purchase a firearm pursuant to § 39-17-1316 and apply for and be granted a handgun carry permit pursuant to § 39-17-1351.

SECTION 2. Tennessee Code Annotated, Section 40-32-101, is amended by deleting subdivision (g)(15) in its entirety.

SECTION 3. Tennessee Code Annotated, Section 40-32-101(g)(10), is amended by adding the following sentence between the first and second sentences:

The fee for filing a petition for the expunction of multiple convictions under subdivision (g)(1)(E) shall also be three hundred fifty dollars (\$350).

SECTION 4. This act shall take effect July 1, 2016, the public welfare requiring it, and shall apply to petitions for expunction filed on or after that date.