

SENATE BILL 1001

By Yager

AN ACT to amend Tennessee Code Annotated, Title 38,
Chapter 6 and Title 40, Chapter 32, relative to
expunction.

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 new subsection:

(l)

(1) The Tennessee Bureau of Investigation (TBI) shall develop a request for certification form to be completed by the court and submitted to the TBI prior to entering an order of expunction. The court is not required to submit a certificate to the TBI if the expungement is pursuant to subdivision (a)(1)(A). The certificate must contain the name of the person seeking expunction, the person's date of birth and social security number, the offense which the person is seeking to have expunged, the date of arrest, and the appropriate state control number as referenced in § 8-4-115. The TBI shall provide access to the certificate to each clerk that accepts petitions for expunction.

(2) After receiving a request for certification, the TBI shall determine if the submitted offense is eligible for expunction pursuant to this section or § 40-32-105 and note the determination on the certificate. The TBI shall provide the court with a copy of the certificate containing the determination. The certificate may also be distributed to the district attorney and the defendant or the defendant's attorney.

(3) An order of expunction shall not be entered by the court on or after January 1, 2024, unless a certificate, as required by this subsection (l), is attached to the order of expunction.

(4) The certificate provided by the TBI pursuant to subdivision (l)(2) is only a certification whether the submitted offense is eligible for expunction. The certification is not a certification that the defendant is eligible for expunction, and the court continues to have the duty to determine eligibility. The TBI shall not be required to search any other source or database in order to make the certification required by this subsection (l).

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