

SENATE BILL 1043

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 40,  
Chapter 32, relative to expunctions.

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

SECTION 1. Tennessee Code Annotated, Section 40-32-101(a)(1)(A), is amended by adding the language "or as otherwise set forth in this section" immediately after the language "in the previous action".

SECTION 2. Tennessee Code Annotated, Section 40-32-101(a)(3), is amended by adding the language "or as otherwise provided in this section" immediately after the language "in the defendant's case".

SECTION 3. Tennessee Code Annotated, Section 40-32-101(a), is amended by adding the following new subdivision:

(7) Upon the entry of an order dismissing a charge that meets the requirements of subdivision (a)(1)(A)(i) or the entry of a nolle prosequi that meets the requirement of subdivision (a)(3), the judge entering such order shall inquire of the defendant, or defendant's counsel of record, whether such person requests that all public records associated with the charges be removed and destroyed without cost to the person and without the requirement that the person petition for destruction of such records. If the person requests that the public records related to the charges be removed and destroyed, the court shall so order. If the person does not request that such records be destroyed at the time the judge inquires pursuant to this subdivision (a)(7), but subsequently requests that the records be destroyed, the person shall be required to follow the petition procedure set out in this section.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring  
it.