

SENATE BILL 1137

By Stevens

AN ACT to amend Tennessee Code Annotated, Section 40-32-101 and Section 55-9-603, relative to criminal offenses.

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

SECTION 1. Tennessee Code Annotated, Section 40-32-101(a)(1)(E)(i), is amended by deleting the following language:

provided, however, any moving or nonmoving traffic offense shall not be considered an offense as used in this subdivision (a)(1)(E);

SECTION 2. Tennessee Code Annotated, Section 40-32-101(j), is amended by deleting the subsection and substituting instead the following:

A person who is ineligible for expunction of the person's records pursuant to subdivision (a)(1)(E) shall, upon petition by that person to the court having jurisdiction in the previous action, be entitled to removal of public records from electronic databases, as provided in this subsection (j), relating to the person's arrest, indictment, charging instrument, or disposition for any charges other than the offense for which the person was convicted. The public records shall be removed from the relevant electronic databases of the national crime information center system and similar state databases, and the person shall be entered into the Tennessee bureau of investigation's expunged criminal offender and pretrial diversion database with regard to the offenses removed pursuant to this subsection (j). The public records shall also be removed from any public electronic database maintained by a court clerk. Court clerks shall not be liable for any errors or omissions relating to the removal of public records from electronic databases made pursuant to this subsection (j).

SECTION 3. Tennessee Code Annotated, Section 55-9-603(d), is amended by deleting the subsection and substituting instead the following:

(1) A violation of this section is a Class C misdemeanor. All proceeds from the fines imposed by this subsection (d), except as otherwise provided by subdivisions (d)(2) and (d)(3), shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents.

(2)

(A) A person charged with a violation of this section may, in lieu of appearance in court, submit a fine of thirty dollars (\$30.00) for a first violation, and fifty-five dollars (\$55.00) for a second or subsequent violation to the clerk of the court that has jurisdiction of the offense within the county in which the offense charged is alleged to have been committed.

(B) The revenue generated by fifteen dollars (\$15.00) of the thirty-dollar fine in subdivision (d)(2)(A) for a person's first conviction shall be deposited in the state general fund without being designated for any specific purpose. Ten dollars (\$10.00) of the thirty-dollar fine for the person's first conviction under subdivision (d)(2)(A) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the thirty-dollar fine for the person's first conviction under subdivision (d)(2)(A) shall be retained by the court clerk.

(C) The revenue generated by thirty dollars (\$30.00) of the fifty-five-dollar fine under subdivision (d)(2)(A) for a person's second or subsequent conviction shall be deposited in the state general fund without being designated for any

specific purpose. Twenty dollars (\$20.00) of the fifty-five-dollar fine for the person's second or subsequent conviction under subdivision (d)(2)(A) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the fifty-five-dollar fine for the person's second or subsequent conviction under subdivision (d)(2)(A) shall be retained by the court clerk.

(3)

(A) Notwithstanding subdivision (d)(2), a person charged with a violation of subsection (i) may, in lieu of appearance in court, submit a fine of thirty dollars (\$30.00) to the clerk of the court that has jurisdiction of the offense within the county in which the offense charged is alleged to have been committed.

(B) Notwithstanding subdivision (d)(2), the revenue generated by fifteen dollars (\$15.00) of the thirty-dollar fine under subdivision (d)(3)(A) for a person's first conviction under subsection (i) shall be deposited in the state general fund without being designated for any specific purpose. Ten dollars (\$10.00) of the thirty-dollar fine for the person's first conviction under subsection (i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the thirty-dollar fine for the person's first conviction under subsection (i) shall be retained by the court clerk.

(C) The revenue generated by five dollars (\$5.00) of the thirty-dollar fine under subdivision (d)(3)(A) for a person's second or subsequent conviction under

subsection (i) shall be deposited in the state general fund without being designated for any specific purpose. Twenty dollars (\$20.00) of the thirty-dollar fine for the person's second or subsequent conviction under subsection (i) shall be deposited in the state general fund and designated for the exclusive use of the division of vocational rehabilitation to assist eligible individuals with disabilities, as defined in § 49-11-602, who have been severely injured in motor vehicle accidents. The remaining five dollars (\$5.00) of the thirty-dollar fine for the person's second or subsequent conviction under subsection (i) shall be retained by the court clerk.

SECTION 4. Tennessee Code Annotated, Section 55-9-603(e), is amended by deleting the language "No clerk's fee nor court costs" and substituting instead the language "Except as otherwise provided by subdivisions (d)(2) and (3), no clerk's fee nor court costs".

SECTION 5. Sections 1 and 2 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to expunction petitions filed on or after such date. All remaining sections of this act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to offenses committed on or after that date.