

PUBLIC CHAPTER NO. 363

HOUSE BILL NO. 1055

By Representatives Lois DeBerry, Shaw, Ulysses Jones, Towns, Brown, Kernell, Kelsey, Coley, Hardaway, Gilmore, Pruitt, Favors, Miller, Armstrong, Tindell, Rinks, Odom

Substituted for: Senate Bill No. 1199

By Senators Kyle, Harper, Marrero, Ford, Tate

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 32, relative to destruction or release of records.

WHEREAS, Tennessee has provided significant leadership in the area of civil and human rights; and

WHEREAS, the citizens of Tennessee stand firmly committed to commemorating the accomplishments of civil rights pioneers and such pioneers' unyielding perseverance during the difficult struggles for civil rights; and

WHEREAS, honoring our State's civil rights pioneers demonstrates our State's belief in God and humanity; now therefore,

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

SECTION 1. This act may be known and cited as "The Rosa Parks Act."

SECTION 2. Tennessee Code Annotated, Section 40-32-101, is amended by adding the following as a new, appropriately designated subsection:

40-32-101

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(1) All public records of a person who has been charged and convicted with a misdemeanor or felony while protesting or challenging a state law or municipal ordinance whose purpose was to maintain or enforce racial segregation or racial discrimination shall, upon petition by that person to the court having jurisdiction in the previous action, be removed and destroyed without cost to the person, if:

(A) The charge has been dismissed;

(B) A no true bill was returned by a grand jury;

(C) A verdict of not guilty was returned, whether by the judge following a bench trial or by a jury;

(D) The person was arrested and released, without being charges; or

(E)

(i) Thirty-seven (37) years or more have elapsed since the date of conviction for the offense being expunged and the petitioner has not been convicted of any other offense, excluding minor traffic violations, during such period of time;

(ii) Any period of supervision due to conviction has been completed;

(iii) The offense was a misdemeanor, Class C, D or E felony not otherwise excluded pursuant to subdivision (iv) of this subsection, or, if committed prior to November 1, 1989, would be an included Class C, D, or E felony if committed after that date;

(iv) The offense was not a Class A or Class B felony or a Class C felony described in §40-15-105(a)(1)(B)(iii), a sexual offense described in §40-15-105(a)(1)(B)(ii), or an offense prohibited by title 55, chapter 10, part 4, or vehicular assault as prohibited by §39-13-106 or if committed prior to November 1, 1989, would not be an excluded offense if committed after that date; and

(v) The district attorney general is served a copy of the petition for expungement by certified mail, return receipt requested, and such district attorney general does not file an objection with the court within twenty (20) calendar days of receipt of such petition.

(2) All public records of a person required to post bond under the provisions of §38-3-109 shall be removed and destroyed as required by this section upon the expiration of any bond required, if no surety on the bond is required to fulfill the obligations of the bond.

(3) Upon petition by a defendant in the court that entered a nolle prosequi in the defendant's case, the court shall order all public records expunged.

(4) For purposes of this subsection, "court" includes any court exercising juvenile jurisdiction.

(5) If the person charged or convicted is deceased, the petition may be filed by a person who is able to establish legal authority to act on the behalf of such deceased person.

(6) Notwithstanding any law to the contrary, upon request of petitioner, records or documents subject to the destruction requirement of this subsection which are utilized exclusively for education purposes and are displayed in public museums, libraries, and buildings are exempt from such destruction requirement.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.

PASSED: May 17, 2007



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 6th day of June 2007



PHIL BREDESEN, GOVERNOR