



State of Tennessee
PUBLIC CHAPTER NO. 951

SENATE BILL NO. 3642

By Faulk; Mr. Speaker Ramsey; Ketrone

Substituted for: House Bill No. 3700

By Dennis, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 32, Part 1, 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 deleting subdivision (a)(1)(E) and substituting instead the following:

(E) A person is not entitled to the expunction of such person's records if:

(i) The person is charged with an offense, is not convicted of the charged offense, but is convicted of an offense relating to the same criminal conduct or episode as the charged offense, including a lesser included offense; or

(ii) The person is charged with multiple offenses or multiple counts in a single indictment and is convicted of:

(a) One (1) or more of the charged offenses or counts in the indictment; or

(b) An offense relating to the same criminal conduct or episode as one (1) of the offenses charged in the indictment, including a lesser included offense.

SECTION 2. Tennessee Code Annotated, Section 40-32-101(a)(1)(D) is deleted in its entirety and substituted instead with the following:

(D) Notwithstanding the provisions of subdivisions (a)(1)(B) and (C) or (a)(6), the records of a person who successfully completes a pretrial diversion program pursuant to §§ 40-15-102 – 40-15-107, or a judicial diversion program pursuant to § 40-35-313, shall not be expunged pursuant to this section, if the offense for which the person was diverted was a sexual offense as defined by § 40-39-202, or a violent sexual offense as defined by § 40-39-202.

SECTION 3. Tennessee Code Annotated, Section 40-32-101(a), is amended by adding the following new subdivision (6):

(6) Except as provided in subsection (f), it is the intent of this section that a person is entitled to the expunction of public records in a criminal case only if the person successfully completes a pretrial diversion program pursuant to §§ 40-15-102 – 40-15-107 or a judicial diversion program pursuant to § 40-35-313, the charges against such person are dismissed, or the person is entitled to have all public records removed and destroyed by reason of one (1) of the results specified in this section.

SECTION 4. This act shall take effect July 1, 2012, the public welfare requiring it.

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PASSED: April 24, 2012



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 10th day of May 2012



BILL HASLAM, GOVERNOR