

SENATE BILL 1409

By Tate

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 32, relative to 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 subsection (e) and substituting instead the following:

(e)

(1) If the arrest of a person for a criminal offense concludes because of one (1) of the results set out in subdivision (e)(4), the official charged with the duty of releasing the person shall inquire whether the person wants all public records of the person's arrest and subsequent steps in the criminal justice process destroyed without cost to the person and without the filing of a petition of expunction. The person shall mark on a prepared form whether the person wants the records destroyed.

(2) If the person does want the records destroyed and so designates on the form, the releasing agency shall transmit the form to every criminal justice agency that is maintaining a record on that person as a result of that arrest and destroy the record within seven (7) days without cost to the person arrested.

(3) If the person does not want the records destroyed at that time and so designates on the form, the releasing agency shall inform the person that the person may have the records destroyed later but will be required to file a petition in order to do so.

(4) The criminal justice events surrounding an arrest to which this subsection apply are:

(A) The charge against the person was dismissed for a reason other than the successful completion of a diversion program pursuant to §§ 40-15-102 - 40-15-106 or § 40-35-313;

(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; or

(D) The person was arrested and released without being charged.

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