

PETITION FOR EXPUNCTION OF RECORD OF CONVICTION PURSUANT TO T.C.A.
§40-32-101(g)

Before any petition to expunge a record pursuant to T.C.A. § 40-32-101(g) can be filed the following steps must be successfully completed and the required documents attached.

- To be eligible, you can only have two convictions that are listed as being eligible for expungement, other than traffic violations (moving or non-moving) in this or any other jurisdiction.
- You must have completed all terms of imprisonment, probation or parole. At least five (5) years must have elapsed since the completion of the sentence imposed for the offense (ten (10) years for a C or D Felony). If the sentence included probation or parole, the sentence was completed at the end of the probation or parole.
- You must have met all conditions of supervised or unsupervised release, such as parole, probation, or community service, as evidenced by an official statement from the agency responsible for supervising your release, such as the State parole office, the State or County probation or community service agency.
- You must have paid all fines, restitution, court costs, and other assessments as evidenced by a statement from the appropriate Court Clerk (This may be obtained from either the Criminal Court Clerk or the General Sessions Court Clerk, depending on which Court entered the conviction) or other documentary evidence showing that the obligation has been satisfied.
- The conviction must be for a Class A through E felony included in the inclusion list attached or a Misdemeanor that is NOT included on the exclusion list attached.
- If so required by the conditions of the sentence imposed, you must have remained free from dependency on or abuse of alcohol or a controlled substance or other prohibited substance for a period of not less than one (1) year.
- You must have photo identification or government-issued ID.
- List the cities and states where you have lived:

- Petitioner understands that the District Attorney is not giving legal advice, but is performing an administrative function pursuant to T.C.A. § 40-32-101(g) by assisting in the completion of the petition to expunge and the order of expungement.

- Petitioner further understands that the order granting expungement does not reinstate his/her voting rights or other citizenship rights, and that further action may be required to have any of those rights restored.
- Petitioner understands that the filing of the petition for expungement does not guarantee that the petition will be granted by the Court.
- Petitioner further understands that statements made in the petition for expungement are made under penalty of perjury in connection with an official proceeding.

Petitioner

EXPUNGEMENT INCLUSION LIST-CLASS E FELONY

A CLASS E FELONY committed on or after November 1, 1989, may be expunged if it appears in the list below. If the conviction is for a Class E felony committed after November 1, 1989, and is not on this list, it cannot be expunged. At the time of filing of the petition for expungement at least five (5) years must have elapsed since the completion of the sentence imposed for a Class E felony or a misdemeanor.

- 39-11-411- Accessory after the fact;
- 39-13-306 - Custodial interference where person not voluntarily returned by defendant;
- 39-13-604(c) (2) - Knowing dissemination of illegally recorded cellular communication;
- 39-14-103 & 39-14-105(a) (2) - Theft of property);
- 39-14-114(c) - Forgery (punishable as theft but cannot be less than Class E felony);
- 39-14-115 - Criminal simulation (punishable as theft but cannot be less than Class E felony);
- 39-14-116(c) - Hindering secured creditors;
- 39-14-117(b) - Fraud in insolvency;
- 39-14-118 - Fraudulent use of credit card or debit card (punishable as theft based on value);
- 39-14-121 - Worthless checks (punishable as theft based on value);
- 39-14-130 - Destruction of valuable papers (punished on ascertained value as theft offense);
- 39-14-131 - Destruction or concealment of will;
- 39-14-133 - Fraudulent or false insurance claim;
- 39-14-137(b) - Fraudulent qualifying for set aside programs;
- 39-14-138 -Theft of trade secrets;
- 39-14-139 - Sale of recorded live performances without consent;
- 39-14-143 - Unauthorized solicitation for police, judicial or safety associations;
- 39-14-147(1) - Fraudulent transfer of motor vehicle with value of less than \$20,000;
- 39-14-149 - Communication theft (fine only);
- 19-14-154 - Home Improvement fraud;
- 39-14-153 - False information in applying for housing project accommodations;
- 39-14-402 - Burglary of an auto;
- 39-14-408 - Vandalism;
- 39-14-411 - Utility service interruption or property damage;
- 39-14-505 - Aggravated criminal littering (2nd and 3rd offenses involving certain weight or volume);
- 39-14-602 - Violation of Tennessee Personal and Commercial Computer Act;
- 39-14-603 - Unsolicited/bulk electronic mail;
- 39-16-201 - Taking telecommunication device into penal institution;
- 39-16-302 - Impersonation of licensed professional;
- 39-16-603 - Evading arrest in motor vehicle where no risk to bystanders;
- 39-16-609(e) - Failure to appear (felony);
- 39-17-106 - Gifts of adulterated candy or food;
- 39-17-417(f) - Manufacture, deliver, sale or possession of Schedule V drug (fine not greater than \$5,000);
- 39-17-417(g)(1) - Manufacture, deliver, sale or possession of not less than 1/2 ounce and not more than 10 pounds of Schedule VI; drug marijuana (fine not greater than \$1,000);
- 39-17-417(h) - Manufacture, deliver, sale or possession of Schedule VII drug (fine not greater than \$1,000);
- 39-17-418(e) - Simple possession or casual exchange (3rd offense);

PAGE 2 **EXPUNGEMENT INCLUSION LIST-CLASS E FELONY**

39-17-422(c) - Selling glue for unlawful purpose;

39-17-423(c) - Counterfeit controlled substance;

39-17-425(b) (1), (2), (3)- Unlawful drug paraphernalia uses and activities;

14-152 - Use of counterfeit mark or logo;

39-14-903 - Money laundering offenses;

EXPUNGEMENT INCLUSION LIST-CLASS D FELONY

A **CLASS D FELONY** committed on or after November 1, 1989, may be expunged if it appears in the list below. If the conviction is for a Class D felony committed after November 1, 1989, and is not on this list, it cannot be expunged. At the time of the filing of the petition for expungement at least ten (10) years must have elapsed since the completion of the sentence for a Class D felony.

- 39-14-103 - Theft of property;
- 39-14-104 - Theft of services;
- 39-14-112 - Extortion;
- 39-14-114 - Forgery;
- 39-14-115 - Criminal simulation;
- 39-14-118 - Illegal possession or fraudulent use of credit/debit card;
- 39-14-121 - Worthless checks;
- 39-14-130 - Destruction of valuable papers;
- 39-14-133 - False or fraudulent insurance claims;
- 39-14-137(b) - Fraudulent qualifying for set-aside programs;
- 39-14-138 - Theft of trade secrets;
- 39-14-139 - Sale of recorded live performances without consent;
- 39-14-147 - Fraudulent transfer of motor vehicle valued at twenty thousand dollars (\$20,000 or more);
- 39-14-149 - Communication theft;
- 39-14-150(b) - Identity theft;
- 39-14-152 - Use of counterfeit mark or logo;
- 39-14-154 - Home improvement fraud;
- 39-14-402 - Burglary-other than habitation or automobile;
- 39-14-408 - Vandalism;
- 39-14-602 - Violation of Tennessee Personal and Commercial Computer Act;
- 39-14-603 - Unsolicited bulk electronic mail;
- 39-16-5021) or (a) (2) - False report to law enforcement not involving bomb, fire, or emergency;
- 39-17-417(d) - Manufacture, deliver, sale, or possession of Schedule III drug (fine not greater than fifty Thousand dollars (\$50,000));
- 39-17-417(e) - Manufacture, deliver, sale, or possession of Schedule IV drug (fine not greater than fifty Thousand dollars (\$50,000);
- 39-17-417(g) (2) - Manufacture, deliver, sale, or possession of Schedule VI drugs (fine not greater than Fifty thousand dollars (\$50,000);
- 39-17-430 - Prescribing or selling steroid for unlawful purpose;
- 39-17-433 - Promoting manufacture of methamphetamine;
- 39-17-438 - Produce, manufacture, delivery, sale, or possession of hallucinogenic plant salvia divinorum or the synthetic cannabinoids (first violation);
- 39-17-454(c) - Manufacture, deliver, dispense, sell, or possess with intent to manufacture, deliver, Dispense, or sell a controlled substance analogue (first violation);
- 39-17-607(a) - Making counterfeit or altering lottery ticket (fine not greater than fifty thousand Dollars (\$50,000);
- 39-17-608 - Making material false statement on lottery application or record;
- 39-17-654(c) - Unauthorized person conducting charitable gaming event;
- 53-11-402(a) (3) - Drug fraud;

EXPUNGEMENT INCLUSION LIST-CLASS C FELONY

A **CLASS C FELONY** committed on or after November 1, 1989, may be expunged if it appears in the below list. If the conviction is for a Class C felony committed after November 1, 1989, and it is not on this list it cannot be expunged. At the time of the filing of the petition for expungement at least ten (10) years must have elapsed since the completion of the sentence imposed for a Class C felony.

- 39-14-103 - Theft of property;
- 39-14-104 - Theft of services;
- 39-14-114 - Forgery;
- 39-14-115 - Criminal simulation;
- 39-14-118 - Illegal possession or fraudulent use of a credit card or debit card;
- 39-14-121 - Worthless checks;
- 39-14-130 - Destruction of valuable papers;
- 39-14-133 - Fraudulent or false insurance claims;
- 39-14-137 - Fraudulent qualifying for set-aside programs;
- 39-14-138 - Theft of trade secrets;
- 39-14-139 - Sale of recorded live performances without consent;
- 39-14-149 - Communication theft;
- 39-14-150(c) - Identity theft trafficking;
- 39-14-152 - Use of a counterfeit mark or logo;
- 39-14-154 - Home improvement fraud;
- 39-14-408 - Vandalism;
- 39-14-602(b) (5) - Violation of Tennessee Personal Commercial Computer Act;
- 39-14-603 - Unsolicited bulk electronic mail;
- 39-14-804 - Theft of animal or damage to an animal facility;
- 39-17-417(c) - Manufacture, deliver, sale, or possession of Schedule II drug, including cocaine or Methamphetamine in an amount less than point five (0.5) grams (fine not greater than One hundred thousand dollars (\$100,000));
- 39-17-417(e) - Manufacture, deliver, sale, or possession of flunitrazepam (fine not greater than one Hundred thousand dollars (\$100,000));
- 39-17-417(g) (3) - Manufacture, deliver, sale, or possession of Schedule VI controlled substance (fine not greater than one hundred thousand dollars (\$100,000));
- 39-17-454 (c) - Manufacture, deliver, dispense, or sale or possession with the intent to manufacture, deliver, dispense, or sale of a controlled substance analogue (second or subsequent violation)
- 39-17-607(b)-Influencing or attempting to influence lottery;

EXPUNGEMENT MISDEMEANOR EXCLUSION LIST

If the conviction is for a **MISDEMEANOR** committed after November 1, 1989, and is on this list, then that conviction cannot be expunged.

- 39-13-101(a) (1) and (2) - Assault, **IF** the offense was committed prior to July 1, 2000;
- 39-13-102 - Aggravated assault of public employee;
- 39-13-111 - Domestic assault;
- 39-13-113(g) - Violation of protective or restraining order;
- 39-13-113(h) - Possession of firearm while order of protection in effect;
- 39-13-509 - Unlawful sexual contact by authority figure;
- 39-13-511 - Public indecency 3rd or subsequent offense;
- 39-13-511 - Indecent exposure (victim under 13 years of age) or by person in penal institution exposing to a guard;
- 39-13-514(b) (3) (A) - Patronizing prostitution from a person under 18 or with intellectual disability;
- 39-13-526(b) (l) (2) - Violation of community supervision by sex offender not constituting offense or constituting misdemeanor;
- 39-13-528 - Soliciting minor to engage in Class E sexual offense;
- 39-14-118 - Fraudulent use of credit/debit card (up to \$500);
- 39-14-304 - Reckless burning;
- 39-14-406 - Aggravated criminal trespass of a habitation, hospital, or on the campus of any public or private school, or a railroad property;
- 39-15-201(b) (3) - Coercion - abortion;
- 39-15-210 - third or subsequent violation of Child Rape Protection Act of 2006;
- 39-15-401 (a) - Child abuse (where child is between ages 7- 17);
- 39-15-401 (b) - Child neglect and endangerment (where child is between ages 7-13);
- 39-15-404 - Enticing a child to purchase intoxicating liquor - purchasing alcoholic beverage for child;
- 39-15-404 - Allow person 18-21 to consume alcohol on person's premises;
- 39-15-414 - Harboring or hiding a runaway child;
- 39-17-315 - Stalking;
- 39-17-431 - Unlawful dispensing of immediate methamphetamine precursor, sale of meth precursor to person on methamphetamine registry or purchase by someone on registry, possess meth precursor with intent to sell to another for unlawful use, purchase meth precursor for another for unlawful use, purchaser meth precursor at different times and places to circumvent limits, and use false ID to purchase meth precursor for purpose of circumventing limits;
- 39-17-437 - Using substance or device to falsify drug test results and selling synthetic urine;
- 39-17-438 - Possession of the hallucinogenic plant Salvia Divinorum or the synthetic cannabinoids;
- 39-17-452 - Sale or possession of synthetic derivatives or analogues of methcathinone;
- 39-17-902(a) - Importing, preparing, distributing, processing, or appearing in obscene material or A misdemeanors;
- 39-17-907 - Unlawful exhibition of obscene material;
- 39-17-911 - Sale or loan to minors of harmful materials;
- 39-17-918 - Unlawful massage or exposure of erogenous areas;
- 39-17-1307(f) (1) (A) - Possession of firearm after being convicted of misdemeanor crime of domestic;
- 39-17-1307(f) (1) (B) - Possession of firearm while order of protection is in effect;
- 39-17-1307(f) (1) (C) - Possession of firearm while prohibited by state or federal law;
- 39-17-1312 - Failure of adult to report juvenile carrying gun in school;

PAGE 2-MISDEMEANOR EXCLUSION LIST

- 39-17-1320(a) - Nonparent providing handgun to a juvenile;
- 39-17-1352 - Failure to surrender handgun carry permit upon suspension;
- 39-17-1363 - Violent felon owning or possessing vicious dog;
- 39-13-101(a) (3) - Assault (offensive or provocative physical contact);
- 39-13-51 (a) - Public indecency- first or second offense (punishable by \$500 fine only);
- 39-13-511(b) (2) - Indecent exposure (victim 13 years old or older);
- 39-15-412(b) - Disseminating smoking paraphernalia to minor after 3 prior violations;
- 39-16-404 - Misuse of official information by public servant;
- 39-17-317 - Disorderly conduct at funerals;
- 39-17-715 - Possession of or consuming alcoholic beverages on K-12 school premises;
- 39-17-914 - Display for sale or rental of material harmful to minors;
- 55-10-401 - Driving under the influence of an intoxicant;

OFFENSE COMMITTED BEFORE NOVEMBER 1- 1989

If the conviction is for an offense committed before November 1, 1989, all of the below criteria must be met.

1. The sentence was either a determinate sentence, of three (3) years or less OR sentenced to an indeterminate sentence for which the person served three (3) years or less.
2. The convicted person never had a previous conviction expunged as the result of the successful completion of a diversion program pursuant to 40-15-102—40-15-106 or 40-35-313;
3. The convicted offense did not have as an element the use, attempted use, or threatened use of physical force against the person of another;
4. The convicted offense did not involve, by its nature, a substantial risk that physical force against the person of another would be used in the course of committing the offense;
5. The convicted offense did not involve the use or possession of a deadly weapon;
6. The convicted offense was not a sex offense for which the offender is required to register as a sexual offender or violent sexual offender under title 40, chapter 39 part 2; or any sex offense involving a minor;
7. The convicted offense did not result in the death, serious bodily injury or bodily injury to a person;
8. The convicted offense did not involve the use of alcohol or drugs and a motor vehicle;
9. The convicted offense did not involve the sale or distribution of a Schedule I, II, III, or IV controlled substance;
10. The convicted offense did not involve a minor as the victim of the offense; or
11. The convicted offense did not result in causing the victim or victims to sustain a loss of fifty thousand dollars (\$50,000) or more.