



General Bryant C. Dunaway



Proudly serving Clay, Cumberland, DeKalb, Overton, Pickett, Putnam and White Counties

**APPLICATION FOR PETITION FOR EXPUNCTION OF RECORD OF CONVICTION
PURSUANT TO TCA 40-32-101(g)**

NAME: _____

OTHER NAMES/ALIASES: _____

CURRENT ADDRESS: _____

DATE OF BIRTH: _____/_____/_____

SOCIAL SECURITY #: _____-_____-_____

RACE: _____

SEX: _____

PHONE NUMBER: _____

DOCKET # OF CASE TO BE EXPUNGED: _____

CONVICTION: _____

IF YOU HAVE MORE THAN ONE CONVICTION ON YOUR RECORD,
YOU **DO NOT QUALIFY** FOR AN EXPUNGMENT.

Before a petition to expunge a record pursuant to T.C.A. 40-32-101(g) can be filed, these steps must be successfully completed with required documents attached.

- You must have no other conviction in this or any other jurisdiction other than the one to be expunged.
- You must have completed all terms of imprisonment, probation &/or parole. At least five (5) years must have elapsed since completion of the sentence imposed for the offense. If the sentence included probation or parole, the sentence was completed at the end of the probationary period.
- 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 the community service agency.
- You must have a copy of the record of the conviction to be expunged. *(This may be obtained from either the Criminal Court Clerk or the General Sessions Court Clerk, depending on which Court entered the conviction.)*
- 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 either a Class 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 the abuse of alcohol, controlled substances or other prohibited substances for a period of not less than one (1) year.
- You must have photo identification or a government issued ID.
- You must pay a non-refundable application fee of \$350, plus a clerk's fee of \$100 to the Clerk of Court where the conviction was entered at the time of filing the Petition.
- List the cities and states where you have lived since your conviction:

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- 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

OFFENSES 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 of less OR 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 T.C.A. 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 another person.
4. The convicted offense did not involve, by its nature, a substantial risk that physical force against another person 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 sex offender under T.C.A. 40-39-2 or any sex offense involving a minor.
7. The convicted offense did not result in the death or bodily injury of another 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 a victim of the offense.
11. The convicted offense did not result in causing the victim(s) to sustain a loss of \$25,000 or more.

EXCLUSION LIST

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

39-13-101(a)(1)(2)	Assault
39-13-101(a)(3)	Assault (offensive or provocative physical contact)
39-13-102	Aggravated assault of a public employee
39-13-111	Domestic assault
39-13-113(g)	Violation of protective or restraining order
39-13-113(h)	Possession of a firearm while order of protection in effect
39-13-511 (a)(b)	Indecent exposure; Public indecency as a Class B Misdemeanor (punishable by \$500 fine only)
39-13-526(b)(1)(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
39-13-533	Unlawful sexual contact by authority figure
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 on a railroad property
39-15-201(b)(3)	Coercion – abortion
39-15-401(a)	Child abuse (where child is between ages 7 and 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 a child

39-15-404	Allow person 18-21 to consume alcohol on person's premises
39-15-414	Harboring or hiding a runaway child
39-16-404	Misuse of official information by a public servant
39-17-315	Stalking
39-17-317	Disorderly conduct at funeral
39-17-431	Unlawful dispensing of immediate methamphetamine precursor, sale of meth precursor to person on methamphetamine registry or purchase by someone on the registry, possess meth precursor with intent to sell or purchase meth precursor for another unlawful use, purchase meth precursor at different times/places to circumvent limits, use false ID to purchase meth precursor to circumvent 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
39-17-715	Possession of or consuming alcoholic beverages on K-12 premises
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
39-17-914	Display for sale or rental of material harmful to minors
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 violence
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
39-17-1320(a)	Non-parent 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
55-10-401	Driving under the influence of an intoxicant

INCLUSION LIST FOR OFFENSES COMMITTED AFTER NOVEMBER 1, 1989

A Class E Felony committed after November 1, 1989, may be expunged if the sentence was for three (3) years or less and appears in the below list. (If the conviction is for a Class E Felony committed after November 1, 1989, and is not on this list, it cannot be expunged. If the sentence was for more than three (3) years it cannot be expunged.)

39-11-411	Accessory after the fact
39-13-306	Custodial interference where the person was not voluntarily returned by defendant
39-13-604(c)(2)	Knowing dissemination of illegally recorded cellular communication
39-14-105(2)	Theft more than \$500 but less than \$1,000
39-14-114(c)	Forgery up to \$1,000
39-14-115	Criminal simulation up to \$1,000

39-14-116(c)	Hindering secured creditors
39-14-117(b)	Fraud in insolvency
39-14-118	Fraudulent use of credit/debit card more than \$500 but less than \$1,000
39-14-121	Worthless checks more than \$500 but less than \$1,000
39-14-130	Destruction of valuable papers more than \$500 but less than \$1,000
39-14-131	Destruction or concealment of will
39-14-133	Fraudulent or false insurance claim more than \$500 but less than \$1,000
39-14-137(b)	Fraudulent qualifying for set aside programs more than \$500 but less than \$1,000
39-14-138	Theft of trade secrets more than \$500 but less than \$1,000
39-14-139	Sale of recorded live performance without consent more than \$500 but less than \$1,000
39-14-143	Unauthorized solicitation for police, judicial or safety associations
39-14-147(f)	Fraudulent transfer of motor vehicle with value of less than \$20,000
39-14-149	Communication theft more than \$500 but less than \$1,000 (fine only)
39-14-153	Home improvement fraud more than \$500 but less than \$1,000
39-14-402	Burglary of an automobile
39-14-408	Vandalism of more than \$500 but less than \$1,000
39-14-411	Utility service interruption or property damage
39-14-602	Violation of Tennessee Personal and Commercial Computer Act more than \$500 but less than \$1,000
39-14-603	Unsolicited bulk electronic mail more than \$500 but less than \$1,000
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, delivery, sale or possession of Schedule V drug (fine not greater than \$5,000)
39-17-417(g)(1)	Manufacture, delivery, sale or possession of not less than a half ounce and not more than 10 pounds of Schedule VI drug or marijuana (fine not greater than \$1,000)
39-17-417(h)	Manufacture, delivery, sale or possession of Schedule VII drug (fine not greater than \$1,000)
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