

IN THE GENERAL SESSIONS COURT OF DAVIDSON COUNTY, TENNESSEE

STATE OF TENNESSEE

WARRANT # _____

vs.

CHARGE: _____

WARRANT # _____

CHARGE: _____

**PETITION TO EXPUNGE RECORDS OF CONVICTIONS PURSUANT TO
T.C.A. § 40-32-101 (k)**

Petitioner respectfully petitions this Honorable Court to order that all public records of the convictions for _____ and _____ under warrant numbers _____ and _____ be expunged pursuant to T.C.A. § 40-32-101(k) and in support would state to the Court as follows.

1. The statute authorizes the subject conviction to be expunged.
2. Petitioner has no other convictions in this or any other jurisdiction other than the two (2) to be expunged, excluding any moving or non-moving traffic offense(s). Each of the offenses are eligible for expunction under T.C.A. § 40-32-101(g). Petitioner, if convicted of a misdemeanor committed prior to November 1, 1989, has never been on pre-trial diversion or judicial diversion wherein the record has been expunged.
3. At least five (5) years have elapsed since the completion of the sentence imposed for the misdemeanor convictions.
4. All fines, restitution, court costs and other assessments have been paid.
5. All terms of imprisonment, probation and parole have been completed.
6. All Conditions of supervised or unsupervised release have been met.

7. If so required by the convictions of the sentence imposed, Petitioner has 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.
8. Petitioner understands that a person may petition for expunction of two (2) offenses under this subsection (k) only one time.
9. Petitioner understands that the District Attorney, by assisting in the completion of the petition and order to expunge, is not giving legal advice but is performing an administrative function pursuant to T.C.A. §40-32-101(k), and further, in some instances, the District Attorney may stand in opposition to granting of the petition. Petitioner understands that they should contact an attorney for any legal advice.
10. Petitioner understands that statements made by Petitioner in this document are made under penalty of perjury in connection with the official proceeding.

WHEREFORE, petitioner prays that this Court order that all records of this conviction be expunged pursuant to T.C.A. § 40-32-101(k).

Respectfully submitted,

PETITIONER

MAILING ADDRESS

**PETITION FOR EXPUNCTION OF RECORDS OF CONVICTION PURSUANT TO
T.C.A. § 40-32-101(k)**

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

- You must have no other convictions for any criminal offense in any jurisdiction other than the ones to be expunged. Any moving or non-moving traffic offense shall not be considered a criminal offense as used in T.C.A. § 40-32-101(g)(2)(A).
- 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 most recent conviction. 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, court costs, and other assessments. You must have completed payment of any restitution and provide evidence of the payment(s).
- If the conviction was for an offense committed on or after November 1, 1989, the conviction must be for a misdemeanor that is NOT included on the exclusion list attached.
- If the conviction was for an offense committed prior to November 1, 1989, the conviction must meet the additional requirements on the 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 not have petitioned for expunction of two (2) offenses under this subsection (k) previously. A person may petition for expunction under subsection (k) only one time.
- List the cities and states where you have lived.

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- You understand that the District Attorney is not giving legal advice, but is performing an administrative function pursuant to T.C.A. § 40-32-101(k).
 - If the Court grants this petition to expunge, it will not alter voting rights or any citizenship rights. Further action would be required to have those rights restored.
 - You understand that filing a petition to expunge a conviction under T.C.A. § 40-32-101(k) does not guarantee that the petition will be granted by the Court.
 - You understand that statements made in the filed petition to expunge are made under penalty of perjury in connection with an official proceeding.

Petitioner

EXCLUSION LIST

If the conviction is for a **misdemeanor** committed **on or 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;
- 39-13-511 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;
- 39-13-526(b)(1) and (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;
- 39-13-509 Unlawful sexual contact by authority figure;
- 39-13-514(b)(3)(A) Patronizing prostitution from a person who is younger than eighteen (18) years of age or has an intellectual disability.
- 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 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 a minor 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, purchase 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 Class 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;

EXCLUSION LIST (Continued)

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) 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);
39-13-511(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; and
55-10-401 Driving under the influence of an intoxicant;

You would not be eligible if you were convicted of an offense involving the manufacture, delivery, sale, or possession of a controlled substance and at the time of the offense you held:

- (A) A commercial driver license, as defined in § 55-50-102, and the offense was committed within a motor vehicle, as defined in § 55-50-102; or
- (B) Any driver license and the offense was committed within a commercial motor vehicle, as defined in § 55-50-102.

OFFENSE COMMITTED BEFORE NOVEMBER 1, 1989

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

1. The convicted person has 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;
2. The convicted offense did not have as an element the use, attempted use, or threatened use of physical force against the person of another;
3. 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;
4. The convicted offense did not involve the use or possession of a deadly weapon;
5. The convicted offense was not a sexual 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 sexual offense involving a minor;
6. The convicted offense did not result in the death, serious bodily injury, or bodily injury of a person;
7. The convicted offense did not involve the use of alcohol or drugs and a motor vehicle;
8. The convicted offense did not involve the sale or distribution of a Schedule I controlled substance or a Schedule II controlled substance in an amount listed in § 39-17-417(i);
9. The convicted offense did not involve a minor as the victim of the offense;
10. The convicted offense did not result in causing the victim or victims to sustain a loss of sixty thousand dollars (\$60,000) or more.

Contact Information

Name: _____

Other Names/Aliases: _____

Current Address: _____

Phone Number: _____

Date of Birth: _____

Social Security Number: _____

Petition Complete: Yes

No