

IN THE GENERAL SESSIONS COURT OF DAVIDSON COUNTY, TENNESSEE

STATE OF TENNESSEE

WARRANT #(s): _____

vs.

CHARGE(S): _____

**PETITION TO EXPUNGE RECORDS OF CONVICTION PURSUANT TO
T.C.A. § 40-32-105**

Petitioner respectfully petitions this Honorable Court to order that all public records for the conviction(s) of the Petitioner which resulted from the Petitioner's status as a victim of human trafficking under T.C.A. § 39-13-314 be expunged, with the warrant number(s) for said conviction(s) being _____, and in support would show the Court as follows:

1. At the time of the filing of this petition for expunction at least one (1) year has elapsed since the completion of the sentence imposed for the petitioner's most recent criminal offense.
2. The petitioner has fulfilled the following requirements of the sentence imposed by any court in which the Petitioner was convicted of an offense:
 - a. Completion of any term of imprisonment or probation,
 - b. Met all conditions of supervised or unsupervised release, and
 - c. If so required by the conditions of any of the sentences imposed, 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.
3. The petitioner has not been convicted of any criminal offense during the one (1) year prior to filing this petition and is not subject to any pending criminal charges.
4. The petitioner has not had public records previously expunged pursuant to § 40-32-105.
5. The convictions to be expunged:
 - a. Did not have as an element the use, attempted use, or threatened use of physical force against the person of another,
 - b. Did not involve the use or possession of a deadly weapon, and
 - c. Are individually eligible for expunction under § 40-32-101(g).

6. Each of the convictions to be expunged resulted from the petitioner's status as a victim of human trafficking, under § 39-1 3-314. To support the proposition that each of the convictions to be expunged resulted from the petitioner's status as a victim of human trafficking, under § 39-1 3-314 the Petitioner would show as follows:

Insert Petitioner's narrative to show each of the convictions to be expunged resulted from the Petitioner's status as a victim of human trafficking under § 39-13-314. If additional space is needed for the narrative, attach additional pages as needed to this Petition. Make sure to sign any additional pages added.

- 7. Petitioner would show that the offense(s) to be expunged occurred on or after the date on which the petitioner became a victim of human trafficking and prays that the same be determined by the court as is required under the § 40-32-105.
- 8. This Court is the one in which the person was most recently convicted of an offense.
- 9. Petitioner has made the Court Clerk aware of the requirement that the Clerk serve this petition on the District Attorney General for each jurisdiction in which the Petitioner has been convicted of an offense that is to be expunged.
- 10. Petitioner understands that statements made in this petition for Expungement are made under penalty of perjury in connection with an official proceeding.
- 11. Petitioner has attached copies of the judgment of conviction for each of the matters which are the subject of this Petition.

WHEREFORE, Petitioner prays that this Court determine that the Petitioner meets the requirements of 40-32-105(b); that expunction of these particular records is in the best interests of justice and public safety, and order the Petitioner's records involving these particular convictions resulting from the person's status as a victim of human trafficking be expunged.

Respectfully submitted,

Petitioner

CHECKLIST: 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.

- You must not have been convicted of a criminal offense, in this or any other jurisdiction, that is ineligible for expunction under T.C.A. § 40-32-101(g) and which occurred prior to the offense(s) listed in your petition for expungement. 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. 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.
- 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.
- 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(g).
 - 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. § 40-32-105 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

MISDEMEANOR 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
- 39-13-101(a)(3) Assault (offensive or provocative physical contact)
- 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
- 39-17-1307(f)(l)(A) Possession of firearm after being convicted of misdemeanor crime of domestic violence
- 39-17-1307(f)(l)(B) Possession of firearm while order of protection is in effect
- 39-17-1307(f)(l)(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
- 39-13-511(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
- 55-10-401 Driving under the influence of an intoxicant

ADDITIONAL REQUIREMENTS

You would not be an eligible petitioner 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.

Petitioner's Contact Information

Petitioner's Name: _____

Other Names/Aliases: _____

Petitioner's Current Address: _____

Phone Number: _____

Email Address: _____

Date of Birth: _____

Social Security Number: _____

Optional: Attorney's Contact Information

(Please leave this section blank if you are completing this expungement petition without an attorney)

Attorney's Name: _____

Phone Number: _____

Email Address: _____

Mailing Address for Expungement Order: _____

Notes: _____

Petition Complete: Yes No