



State of Tennessee

PUBLIC CHAPTER NO. 960

SENATE BILL NO. 1859

By Tate, Harris

Substituted for: House Bill No. 2026

By Love, Camper, Favors, Gilmore, Hardaway, Akbari, Shaw, Cooper, Turner, Powell, Armstrong
AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to the expunction of records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-32-101(g)(1)(A), is amended by deleting the subdivision and substituting instead the following:

(A) A person who was convicted of one of the following Class E felonies and sentenced to imprisonment for a term of three (3) years or less for an offense committed on or after November 1, 1989:

- (i) Section 39-11-411 — Accessory after the fact;
- (ii) Section 39-13-306 — Custodial interference where person not voluntarily returned by defendant;
- (iii) Section 39-13-604(c)(2) — Knowing dissemination of illegally recorded cellular communication;
- (iv) Section 39-14-105(a)(2) — Theft;
- (v) Section 39-14-114(c) — Forgery;
- (vi) Section 39-14-115 — Criminal simulation;
- (vii) Section 39-14-116(c) — Hindering secured creditors;
- (viii) Section 39-14-117(b) — Fraud in insolvency;
- (ix) Section 39-14-118 — Fraudulent use of credit card or debit card;
- (x) Section 39-14-121 — Worthless checks;
- (xi) Section 39-14-130 — Destruction of valuable papers;
- (xii) Section 39-14-131 — Destruction or concealment of will;
- (xiii) Section 39-14-133 — Fraudulent or false insurance claim;
- (xiv) Section 39-14-137(b) — Fraudulent qualifying for set aside programs;
- (xv) Section 39-14-138 — Theft of trade secrets;
- (xvi) Section 39-14-139 — Sale of recorded live performances without consent;
- (xvii) Section 39-14-143 — Unauthorized solicitation for police, judicial, or safety associations;

- (xviii) Section 39-14-147(f) — Fraudulent transfer of motor vehicle with value of less than \$20,000;
- (xix) Section 39-14-149 — Communication theft (fine only);
- (xx) Section 39-14-153 — Home improvement fraud;
- (xxi) Section 39-14-402 — Burglary of an auto;
- (xxii) Section 39-14-408 — Vandalism;
- (xxiii) Section 39-14-411 — Utility service interruption or property damage;
- (xxiv) Section 39-14-505 — Aggravated criminal littering (2nd and 3rd offenses involving certain weight or volume);
- (xxv) Section 39-14-602 — Violation of Tennessee Personal and Commercial Computer Act;
- (xxvi) Section 39-14-603 — Unsolicited bulk electronic mail;
- (xxvii) Section 39-16-201 — Taking telecommunication device into penal institution;
- (xxviii) Section 39-16-302 — Impersonation of licensed professional;
- (xxix) Section 39-16-603 — Evading arrest in motor vehicle where no risk to bystanders;
- (xxx) Section 39-16-609(e) — Failure to appear (felony);
- (xxxi) Section 39-17-106 — Gifts of adulterated candy or food;
- (xxxii) Section 39-17-417(f) — Manufacture, delivery, sale, or possession of Schedule V drug (fine not greater than \$5,000);
- (xxxiii) Section 39-17-417(g)(1) — Manufacture, delivery, sale, or possession of not less than one-half (1/2) ounce and not more than ten pounds (10 lbs.) of Schedule VI drug marijuana (fine not greater than \$2,500);
- (xxxiv) Section 39-17-417(h) — Manufacture, delivery, sale or possession of Schedule VII drug (fine not greater than \$1,000);
- (xxxv) Section 39-17-418(e) — Simple possession or casual exchange (3rd offense);
- (xxxvi) Section 39-17-422(c) — Selling glue for unlawful purpose;
- (xxxvii) Section 39-17-423(c) — Counterfeit controlled substance;
- (xxxviii) Section 39-17-425(b)(1), (2), (3) — Unlawful drug paraphernalia uses and activities;

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

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PASSED: April 18, 2016

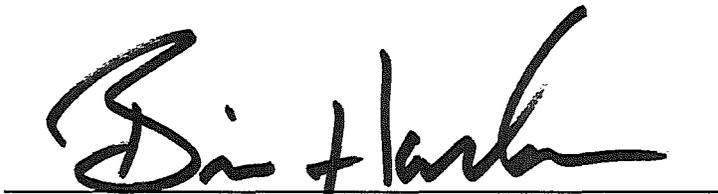


RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 27th day of April 2016



BILL HASLAM, GOVERNOR