

**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). Each of the offenses must be eligible for expunction under T.C.A. § 40-32-101(g) and are either two (2) misdemeanors or one (1) felony and one (1) misdemeanor.
- At least five (5) years must have elapsed since the completion of the sentence imposed for a misdemeanor or a Class E felony conviction. At least ten (10) years have elapsed since the completion of the sentence imposed for a Class C or D felony 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 imprisonment, as well as 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 felony included in the inclusion lists attached or 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.
  
- 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.

## **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.