

**CHECKLIST: FOR EXPUNCTION PURSUANT TO T.C.A. § 40-32-107(b)**

- ☐ 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 below.
- ☐ You understand that the District Attorney is not giving legal advice, but is performing an administrative function pursuant to T.C.A. § 40-32-107(b).
- ☐ 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. § 40-32-107(b) does not guarantee that the petition will be granted by the Court

**ADDITIONAL REQUIREMENTS**

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 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
- 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 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.