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## FREQUENTLY ASKED QUESTIONS - EXPUNGEMENTS

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### WHAT IS AN EXPUNGEMENT?

“Expungement” (also known as “Expunction”) is the process to remove a charge or charges from a criminal record. For more information, see T.C.A. §40-32-101. Expungement is not an automatic process and you must file with the court to receive it.

### HOW DO I START?

The process starts on the local level at the court in the county where the arrest occurred. Charges that were “Dismissed”, “Nolle Prosequi”, “No True Bill”, or verdict of “Not Guilty” are eligible for expungement at no cost to defendant. Charges that were on “Diversion” (Pretrial or Judicial) are subject to additional fees, as are conviction expungements.

### WHAT DOES THE COURT DO WITH MY EXPUNGEMENT ORDER?

Once the court completes the expungement process locally, the expungement order is sent to various agencies including the arresting agency, county jail, Tennessee Department of Correction, and the Tennessee Bureau of Investigation. Each agency then follows its own procedures to expunge the charges. You may want to contact the TDOC and TBI to make sure each agency received a copy of your order. TDOC removes the charges from the Tennessee Felony Offender Lookup (FOIL) and Tennessee Offender Management Information System (TOMIS).

### WHAT HAPPENS TO MY EXPUNGEMENT ORDER WHEN IT GETS TO TBI?

TBI removes charges from the criminal record, deletes the charges from the paper or electronic fingerprint card, and sends the expungement order to the Federal Bureau of Investigation to be processed on the federal level.

At TBI, the charges are actually deleted from the defendant’s record- we do not ‘seal’ records. When the defendant has no other charges, all criminal fingerprints are deleted.

### CAN MY EXPUNGEMENT BE EXPEDITED?

Yes. There are certain circumstances where expungements can be expedited. Orders to be expedited should be faxed to 615.744.4653. Be sure to include contact information on your cover sheet so you can be notified that the order has been received and processed.

Among the reasons for expediting are:

- Fingerprinting - job or carry permit
- Firearms purchase
- Adoption
- Mistaken Identity

### WHAT IF I HAVE A CONVICTION ON MY RECORD?

If there was a conviction for a Misdemeanor or Class E Felony, the charge or charges may be eligible for expungement. The “Conviction Expungement” (also known as a “G” expungement) is processed by the District Attorney’s office in the county where the arrest occurred. This expungement is subject to an expungement fee of \$180 plus court fees/costs. Request a conviction expungement packet from the DA’s office to learn more about this process.