

**STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL**

January 22, 2014

Opinion No. 14-12

Expungement of Criminal Records for Multiple Convictions

QUESTION

Assuming a petitioner is eligible in all other respects, does Tenn. Code Ann. § 40-32-101(g)(2) provide for the expungement of the petitioner's multiple convictions arising from the same criminal episode?

OPINION

No.

ANALYSIS

Under Tenn. Code Ann. § 40-32-101, certain nonviolent criminal offenders may petition a court for expungement of that person's criminal records. Section 40-32-101(g)(2) states in pertinent part:

Notwithstanding the provisions of this section, effective July 1, 2012, an eligible petitioner may file a petition for expunction of that person's public records involving a criminal offense if:

(A) At the time of filing, the person has never been convicted of any criminal offense, including federal offenses and offenses in other states, other than the offense committed for which the petition for expunction is filed;

....

This Office recently opined that under the plain language of Tenn. Code Ann. § 40-32-101(g)(2)(A), a person can petition for expungement of the person's public records involving a criminal offense only if that offense is the sole offense for which the person has been convicted. Tenn. Att'y Gen. Op. 13-86 (Nov. 6, 2013) (copy attached.) Therefore, it necessarily follows that when a person is convicted of multiple offenses, Tenn. Code Ann. § 40-32-101(g)(2)(A) renders the person ineligible to seek expungement of the records for any of those offenses. The statute makes no exception for multiple convictions for offenses arising out of the same criminal episode.

ROBERT E. COOPER, JR.
Attorney General and Reporter

GORDON W. SMITH
Associate Solicitor General

ANDREW C. COULAM
Assistant Attorney General

Requested by:

The Honorable R. Steven Bebb
District Attorney General
10th Judicial District
P.O. Box 1351
Cleveland, Tennessee 37364-1351