

FREQUENTLY ASKED QUESTIONS - EXPUNGEMENTS

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.

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 their 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

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 \$350 plus court fees/costs. Request a conviction expungement packet from the DA’s office to learn more about this process.

FREQUENTLY ASKED QUESTIONS - EXPUNGEMENTS

WHY IS MY CHARGE SHOWING ON A BACKGROUND CHECK?

Please note that if a background check is requested through a private background check company (not through the TBI (or other state bureau) or FBI) criminal charges will probably still appear on file. Background check companies gather information as it becomes public and it is rarely updated. If charges are showing at a background check company, the defendant will need to contact the company directly.

WHAT ELSE DO I NEED TO KNOW?

Once charges have been expunged, it's very important for the defendant to keep a certified copy of the expungement order. It is the only way you will be able to prove the expungement has been completed by the court and is valid.

DOES THIS TAKE CARE OF REMOVAL FROM CODIS AS WELL?

Expungement orders received by the TBI Expungement Unit are not sent to the CODIS Unit (and vice versa). Make sure the court clerk has submitted the expungement to the TBI Expungement Unit (to remove the criminal charge) as well as the CODIS Unit (to remove your DNA sample).