



Expungements, Dispositions, & More

TENNESSEE BUREAU OF
INVESTIGATION



Request for TBI to Update Arrest Information



INSTRUCTIONS

COURT:

To add charges to a defendant's record, complete this form and submit to the arresting agency. Choose from the following:

- ☐ The defendant was never fingerprinted and there is no record of the arrest at TBI.
- ☐ Charges are being added to the original arrest on the fingerprint card.
- ☐ The charges associated with the arrest have been dismissed and new charges have been filed which supersede the charges from the original arrest (superseding indictment).

ARRESTING AGENCY:

Make the additions/corrections/updates to your records and then submit an addition/correction/update request on your letterhead to the TBI Data Quality Unit. The request can be faxed (615-744-4653) or emailed (TBI.DataQuality@tbi.tn.gov).

REQUESTER INFORMATION

Court:	
Contact name, phone, & email:	
Date:	

ARREST INFORMATION

Name:			
State Control Number:		Social Security Number:	
Sex/Race:		DOB:	
		DOA:	

Please add the following charges to the above arrest fingerprint card.

CHARGE	FEL/MISD

The arresting agency should submit a request to add, correct, or update information to the TBI Data Quality Unit (TBI.DataQuality@tn.gov or fax to 615-744-4653). For questions regarding this form or if additional help is needed, please contact the Data Quality Unit.

Form to Update Arrest Information

When should the form be used?

Why is this form important?

Why do you need to send the form to the arresting agency instead of TBI?

If the defendant isn't fingerprinted for new or additional charges, use this form to notify the arresting agency that the original arrest needs to be updated. They should then notify TBI so that the charges show correctly on the defendant's criminal history.

Superseding Indictments



What we get at TBI: arrest and dispositions.

Why does that matter?

How should you handle sending information on a superseding indictment to TBI?

Was the individual re-fingerprinted on the superseding indictment?

APPLICATION FOR CERTIFICATION OF ELIGIBILITY FOR DIVERSION			
COUNTY	COURT ☐ Circuit ☐ Criminal ☐ Sessions	DIVISION	JUDGE
DEFENDANT'S NAME			COURT DATE
DATE OF BIRTH	SEX	RACE (B/I/A/W)	SOCIAL SECURITY NUMBER
			TYPE OF DIVERSION ☐ Pretrial ☐ Judicial
OFFENSES TO BE DIVERTED:			
1. _____		Date of Arrest: _____ ☐ Felony ☐ Misdemeanor	
2. _____		Date of Arrest: _____ ☐ Felony ☐ Misdemeanor	
3. _____		Date of Arrest: _____ ☐ Felony ☐ Misdemeanor	
NAME AND EMAIL ADDRESS OF DISTRICT ATTORNEY OR ASSISTANT DISTRICT ATTORNEY TO WHOM RESPONSE SHOULD BE SENT			
NAME, PHONE NUMBER, AND EMAIL OF DEFENSE ATTORNEY OR PRO SE DEFENDANT			
CERTIFICATION OF ELIGIBILITY FOR DIVERSION			
I hereby certify that, pursuant to Tenn. Code Ann. §38-6-118(b), a query of the TBI Expunged Criminal Offender and Pretrial Diversion Database has been conducted pursuant to the above authorized request, and based upon the results of that query:			
1. ☐ The defendant has not had a prior disqualifying felony or misdemeanor conviction, ☐ The defendant has a prior disqualifying felony or misdemeanor conviction, ☐ The defendant has a prior arrest for which no disposition has been entered,			
2. ☐ The defendant has not previously been granted diversion. ☐ The defendant has been granted diversion before.			
3. ☐ The defendant has a prior expunction due to a diversion. ☐ The defendant has a prior expunction due to 40-32-101(g).			
Criminal Records Unit, TBI		Date	
PLEASE NOTE THAT THIS DOES NOT CONSTITUTE A CERTIFICATION THAT THE DEFENDANT IS ELIGIBLE OR INELIGIBLE FOR DIVERSION UNDER TCA 40-35-313 OR TCA 40-15-105. THIS IS ONLY A CERTIFICATION THAT A RECORDS CHECK OF THE TBI EXPUNGED CRIMINAL OFFENDER AND PRETRIAL DIVERSION DATABASE HAS REVEALED QUALIFYING OR DISQUALIFYING INFORMATION UNDER THE CRITERIA SET OUT IN THE DIVERSION STATUTES REFERENCED ABOVE.			
JUDGMENT OF PRETRIAL DIVERSION OR JUDICIAL DIVERSION			
Comes now the District Attorney General for the State and Defendant with counsel of record for entry of judgment.			
On the _____ day of _____, 20____			
OFFENSE INDICTED	OFFENSE CLASS		
OFFENSE DIVERTED	OFFENSE CLASS		
The defendant is sentenced to ☐ pretrial diversion ☐ judicial diversion for the following period:			
_____ years, _____ months, _____ days. Effective: _____			
_____ JUDGE (Printed)	_____ JUDGE (Signature)	_____ ENTRY OF JUDGMENT DATE	
_____ DISTRICT ATTORNEY		_____ ATTORNEY FOR DEFENDANT	

BI-0200 (Rev 07/2023) RDA 11383

Granted Diversions

REMINDER: Certificate should be requested prior to placement on diversion.

Tenn. Code. Ann. 38-6-118 was amended effective March 14, 2023.

- Defendants may now receive certificate.
- CH from NCIC will not longer be included.

Please email granted diversion applications to TBI so that we can update our records.
(TBI.Diversions@tbi.tn.gov)

Diversion certificates should not be used for expungement eligibility.

Dispositions

Requires electronic submission of dispositions.

Requires submission no later than 3 business days after final disposition of criminal proceedings to TBI.

No need to email or send paper dispositions to the **Disposition Unit** if dispositions are being sent electronically.

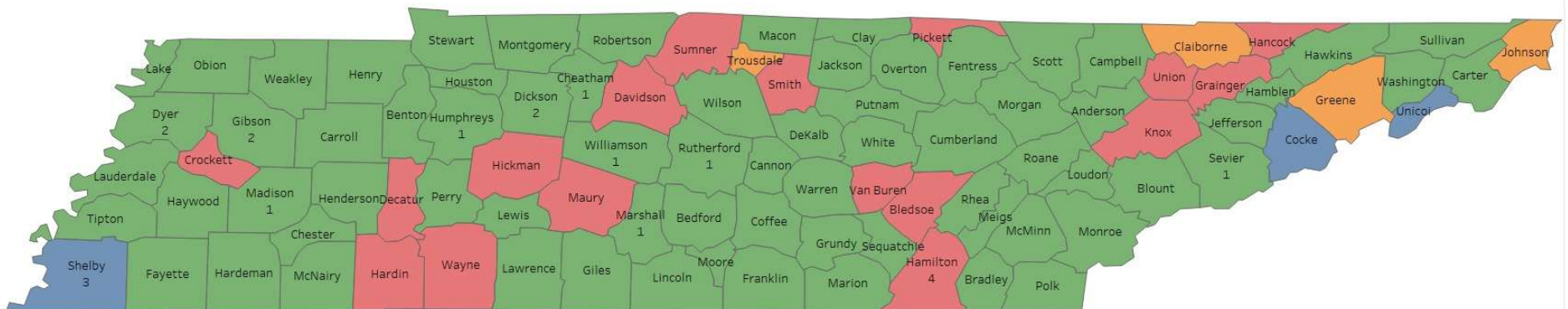
If you are not getting the State Control Number from your booking agency, please reach out to:

- Holly Folsom (Holly.Folsom@tbi.tn.gov),
- Heather Hurley (Heather.Hurley@tbi.tn.gov), or
- Kenneth Blue (Kenneth.Blue@tbi.tn.gov).

FlexCheck

FlexCheck is a free encrypted web-based application that allows your court to electronically submit expungements and dispositions securely to TBI.

FlexCheck is currently being used by a total of 100 Municipal, General Sessions, and Circuit Courts across Tennessee.



Access to Online Court Records



If your court has online records, TBI would love to have access to them. It saves time for your clerks because they won't have to answer our emails or phone calls when we are trying to update disposition information or clarify a defendant's court records.

A frequent reason for our requests is for firearms transactions. In 2022 we processed 3,158 requests. January through August of 2023 we processed 3,267. If you have online records we can usually get all the information we need without reaching out to your clerks.

Amendments to Tenn. Code. Ann. 40-32-101

Public Chapter 43

Requires State Control Number on all Expungement Orders.

Public Chapter 315

Illegal registration or voting conviction now eligible for expungement.

15 years after completion of sentence.

Public Chapter 330

Abatement by death is eligible for expungement under (a)(1)(A).

Personal representative may file.

Public Chapter 392

Created an expungement certificate for certain offenses.

Created an expungement for arrest record if no history of arrest in the court's records.

Effective April 21, 2023*.

ELIGIBILITY OF EXPUNCTION				
DEFENDANT INFORMATION				
Defendant's Name				
Date of Birth	Sex M / F / U	Race A / I / B / W / U	Social Security Number	
COURT INFORMATION				
County	Court ☐ Circuit ☐ Criminal ☐ Sessions	Division	Judge	
Name and email address of court clerk to whom response should be sent				
Additional names and email addresses				
CHARGES FOR EXPUNCTION				
Original Charge 1	Date of Arrest	☐ Conviction ☐ Diversion ☐ Eligible ☐ Not Eligible		
Final Charge 1	Case Number			
Original Charge 2	Date of Arrest	☐ Conviction ☐ Diversion ☐ Eligible ☐ Not Eligible		
Final Charge 2	Case Number			
Original Charge 3	Date of Arrest	☐ Conviction ☐ Diversion ☐ Eligible ☐ Not Eligible		
Final Charge 3	Case Number			
Original Charge 4	Date of Arrest	☐ Conviction ☐ Diversion ☐ Eligible ☐ Not Eligible		
Final Charge 4	Case Number			
Comments				
Disclaimer goes here				
Criminal Records Unit _____ Date _____				

Expunction Certificate

Conviction, Human Trafficking, and Diversion Expungements signed January 1, 2024 and after must be submitted with an expunction certificate reflecting that a **charge** is eligible for expungement.

As the deadline approaches, please reach out to TBI.Expungement@tbi.tn.gov if you have questions.

***The form shown here is a working mock-up and will not be the final form.*



ORDER FOR THE EXPUNGEMENT OF CRIMINAL OFFENDER RECORD



State of Tennessee vs _____ Circuit Docket Number _____
Date Original Case was filed in Clerk's Office _____ General Sessions Docket Number _____
In the _____ Court of _____ County, Tennessee at _____
On the Motion or Petition of _____

Defendant/Arrest Information:

State Control Number:

Defendant (name used at time of arrest)	Race	Sex	Date of Birth
Arresting Agency	OCA#	Date of Arrest	
Charge 1 (original arrest charge)	SSN#		
Charge 2 (original arrest charge)			
Charge 3 (original arrest charge)			

Disposition Information:

Final Charge	Disposition
1	
2	
3	
Diversion Date (if applicable)	

The defendant named above is entitled to have all PUBLIC RECORDS relating to the offenses listed above expunged according to the T.C.A. provision marked below:

Provisions relating to Adults:	Provisions relating to Juveniles:
☐ Charge has been dismissed (T.C.A. § 40-32-101)	☐ Petition alleging delinquency not filed (T.C.A. § 37-1-155)
☐ No true bill returned by Grand Jury (T.C.A. § 40-32-101)	☐ Proceedings dismissed after petition is filed or the case transferred to Juvenile
☐ Arrested and released (T.C.A. § 40-32-101)	☐ Court as provided in T.C.A. § 37-1-109 (T.C.A. § 37-1-155)
☐ Verdict of not guilty (T.C.A. § 40-32-101)	☐ Adjudicated not to be a delinquent child (T.C.A. § 37-1-155)
☐ Nolle Prosequi entered in case (T.C.A. § 40-32-101)	☐ Child has reached eighteen (18) years of age and there is no record that he
☐ Abated by death (T.C.A. § 40-32-101)	☐ committed a criminal offense after reaching sixteen (16) years of age, unless
☐ Judicial Diversion (T.C.A. § 40-35-313)	☐ such fingerprints were obtained on alleged charge which if committed by an
☐ Pretrial Diversion (T.C.A. § 40-15-105)	☐ adult would be a felony (T.C.A. § 37-1-155)
☐ Conviction expungement (T.C.A. § 40-32-101 (g) or (k))	☐ Passage of six (6) months from date of liquor law violations defined by
☐ Pardon expungement (T.C.A. § 40-32-101 (h))	☐ T.C.A. § 57-3-112(a)(3)(c) or T.C.A. § 57-6-301(c)(3)
☐ Human Trafficking expungement (T.C.A. § 40-32-105)	☐ Juvenile Pretrial Diversion (T.C.A. § 37-11-109)
☐ No final disposition associated with arrest (T.C.A. § 40-32-101(m))	

It is ordered that all PUBLIC RECORDS relating to such offense above referenced be expunged and immediately destroyed upon payment of all costs to clerk and that no evidence of such records pertaining to such offense be retained by any municipal, county, or state agency, except non-public confidential information retained in accordance with T.C.A. § 40-32-101(b)(1) & (g)(13); T.C.A. § 10-7-504; and T.C.A. § 38-6-18.

APPROVED FOR ENTRY

_____ Defendant/Attorney for Defendant	_____ Date
_____ District Attorney General	_____ Judge's Signature

Updated Expungement Form

The expungement form has been updated to include expungements for abated by death, Conviction (g & k), Pardon (h), Human Trafficking, and charges with no final disposition (m).

Many provisions have been reworded (including Judicial Diversion and Pretrial Diversion) for greater clarity.

A PDF fillable form is available. If you use FlexCheck you can find all current forms by clicking on FORMS AND HELP DOCUMENTS on the navigation bar on the left side of the FlexCheck window.

Electronic signatures are acceptable.

Updated Partial Removal Form

This form was created by the Sumner County Clerk's Office, but TBI has now taken ownership of it. If you are removing one or more charges from the public court records and there will be at least one conviction remaining, this is the form you should use for removing them.

This is not an expungement of records.

A judge's signature is required.

A PDF fillable form is available. If you use FlexCheck you can find all current forms by clicking on FORMS AND HELP DOCUMENTS on the navigation bar on the left side of the FlexCheck window.

Electronic signatures are acceptable.

		IN THE _____ COURT FOR _____ COUNTY			
REMOVAL OF CRIMINAL OFFENDER RECORD PURSUANT TO T.C.A. §40-32-101(j)					
State Control Number _____					
State of Tennessee vs _____					
General Sessions Docket No. _____			Circuit Docket No. _____		
Defendant/Arrest Information:					
_____ <i>Defendant (name used at time of arrest)</i>		_____ <i>Race</i>	_____ <i>Sex</i>	_____ <i>Date of Birth</i>	
_____ <i>Arresting Agency</i>		_____ <i>Date of Arrest</i>			
_____ <i>Charge 1 (original arrest charge)</i>		_____ <i>SSN#</i>			
_____ <i>Charge 2 (original arrest charge)</i>		_____ <i>OCA#</i>			
_____ <i>Charge 3 (original arrest charge)</i>					
Disposition Information:					
_____ <i>Final Charge</i>		_____ <i>Final Disposition</i>			
1 _____					
2 _____					
3 _____					
*The Defendant understands that this request will only remove the requested charges from the Tennessee Bureau of Investigation database, the National Crime Information Database, and/or any public electronic database maintained by the court clerk, pursuant to T.C.A. §40-32-101(j). This request will not expunge all records from any court file or other county database. Court clerks shall not be liable for any errors or omissions relating to the removal and destruction of records under this petition.					
_____ <i>Defendant/Attorney for Defendant</i>			_____ <i>Date</i>		
_____ <i>District Attorney General</i>			_____ <i>Judge's Signature</i>		

Relief from Firearms Disabilities



Person may petition three (3) years after the date of release.

Must be done by court which entered the judicial commitment or adjudication order.

List of factors for court to consider.

Court must forward order to TBI within thirty (30) days.

TBI will update NICS.

Helpful TBI Links

Tennessee Bureau of Investigation

<https://www.tn.gov/tbi>

TBI Dispositions/Diversions/Expungements

<https://www.tn.gov/tbi/divisions/cjis-division/diversions-expungements.html>

TBI Instant Check System

<https://www.tn.gov/tbi/divisions/cjis-division/firearm-background-checks.html>

Tennessee Applicant Processing Services (TAPS)/

Tennessee Open Records Information Services (TORIS)

<https://www.tn.gov/tbi/divisions/cjis-division/background-checks.html>

Helpful TBI Links (continued)

TBI Sex Offender Registry

<https://sor.tbi.tn.gov/home>

TBI Drug Offender Registry

<https://www.tn.gov/tbi/divisions/drug-investigation-division/tennessee-drug-offender-registry.html>

TBI Animal Abuse Registry

<https://www.tn.gov/tbi/tennessee-animal-abuse-registry.html>

Other Helpful Links

FBI's CJIS Security Policy Resource Center

<https://le.fbi.gov/cjis-division/cjis-security-policy-resource-center>

Administrative Office of the Courts

<https://tncourts.gov/>

Tennessee District Attorneys General Conference

<https://www.tndagc.org/>

Tennessee Department of Correction

<https://www.tn.gov/correction.html>

Tennessee Felony Offender Information

<https://foil.app.tn.gov/foil/search.jsp>

The background of the slide is a light blue-grey color, overlaid with a pattern of 3D question marks and small squares. The question marks are rendered in a slightly darker shade of the background color, giving them a subtle, three-dimensional appearance. The squares are small and scattered throughout the pattern.

Questions
