

# 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

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.	
	associated with the arrest have been dismissed and new charges have sede the charges from the original arrest (superseding indictment).	been filed
	corrections/updates to your records and then submit an addition/corre erhead to the TBI Data Quality Unit. The request can be faxed (615-744	
	REQUESTER INFORMATION	
Court:		
Contact name, phone, & email:		
Date:		
	ARREST INFORMATION	
Name:		
State Control Nur	nber: Social Security Number:	
Sex/Race:	DOA:	
Please add the follo	wing 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.

BI-0327 (Rev 08/2023) RDA 1686

# 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?

COUNTY	COURT		DIVISIO	N	JUDGE
	☐ Circuit	☐ Crimina  ☐	Sessions		
EFENDANT'S NAME					COURT DATE
DATE OF BIRTH	SEX	RACE (B/I/A/W)	SOCIAL SECURITY	NUMBER	TYPE OF DIVERSION
					☐ Pretrial ☐ Judicial
FFENSES TO BE DIVER			5		Dela Die
					Felony   Misdemeanor
					□ Felony □ Misdemeanor
			Date of Arr	est:	□Felony □Misdemeanor
IAME AND EMAİL ADDRI	SS OF DISTRICT ATT	ORNEY OR ASSIST	TANT DISTRICT ATTO	RNEY TO WHOM	RESPONSE SHOULD BE SENT
IAME, PHONE NUMBER,	AND EMAIL OF DEFE	NSE ATTORNEY C	R PRO SE DEFENDA	INT	<u> </u>
		TIFICATION O	E ELICIPII ITY E	D DIVEDGIO	
I hereby certify that			FELIGIBILITY FO . a guery of the TBIE:		<b>I</b> Offender and Pretrial Diversion Database h
een conducted pursuant t	o the above authorized	request, and based	upon the results of tha	query:	
	t has not had a prior : t has a prior disqualif				
	t has a prior arrest fo				
<ul> <li>The defendant</li> </ul>	t has not previously b	een granted diver	sion.		
	t has not previously t t has been granted d	een granted diver iversion before.	sion.		
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### **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.

	IN THE CRIMINAL/CIRCUIT COURT FOR	COUNTY, TENNESSE
	Case Number: Count 6	
	Judicial District: Judicial Division:	
	State of Tennessee vs.	
	Defendant:Alias:   Race:SSN:	Date of Birth: Sex:
	CONTINUATION OF JUDGM	ENT Original Amended Corrected
IN THE CRIMINAL/CIRCUIT COURT FO	RCOUNTY, TENNESSEE	Restitution: Victim Name
Case Number:Count # Judicial District:Judicial Division	Counsel for the State:  Counsel for the Defendant:	Address
	Co-Counsel for the Defendant:	Total Amount \$ Per Month \$
State of Tennessee	☐ Retained ☐ Pub Def Appt ☐ Private Atty Appt ☐ Counsel Waived ☐ Pro Se	Unpaid Community Service:
vs. Defendant:	as:Date of Birth:Sex:	HoursDaysWeeksMonths
Race: SSN:	Driver License #: Issuing State:	
State ID #: County Offender ID	# (if applicable): TDOC #:	d ordered to provide a biological specimen for the purpose of DNA analy logical specimen for the purpose of MIV testing.
Relationship to Victim: Arrest	Victim's Age:Indictment Filing Date:	to community supervision for life following sentence expiration. , the clerk shall forward this judgment to the Department of Health.
	riginal Amended Corrected	
Come the parties for entry of judgment.		
On the day of	, the defendant:	
Drugge Control	ndiotment: Class (circle one) 1≤ A B C D E ☐ Pelony ☐ Misdemeanor	
Pled Guilty - Certified Question Findings	ndicted Offense Name:	e Defendant understands and freely and voluntarily waives the an attorney
Incorporated by Reference	Amended Offense Name:	
☐ Nolle Prosequi with costs	Amended Offense TCA 8:	Judge
	Conviction Offense Name:	County Grand Jury
☐ Not Guilty by Reason of Insanity	Conviction Offence TCA 8:	County Grand Jury.  If by jury and plead NOT GUILTY to violation(s) of TCA
	Sentence Imposed Date:	dendant
	ase of sentenciny, all factors in Tennessee Code Annotated Title 40. Chapter 35.	many rights, and the effect of a waiver of those rights, prior to accepting the defendant's waiver.
all of which are incorporated by reference herein, it is ORDE that a sentence and costs are imposed as follows:	RED and ADJUDGED that the conviction described above is imposed hereby and	
Offender	1" Degree Murder	en advised by the Court of the following: (1) the nature of the charge(s) num possible penalty provided by law: (3) if applicable, a different or
(Check One) Release Eligibility	for Felony Offense Pre 1989 Reform Act 1989	ablished in the present action after the entry of my plex; (4) if applicable, id (5) that I have the following rights: (a) to be prosecuted only upon an
		necessary, to the appointment of an attorney; (c) to plead not guilty or to ey at such a trial; (e) to confront and cross-examine witnesses against me; action; and (h) to have a jury set any fine greater than \$50.00.
Mitigated   Mitigated 20%   \$ 40-35-501(8) 100%     Standard   Mitigated 30%   Multiple Rapist 100%     Multiple   Persistent   Multiple 35%   Agg Rapist 100%     Persistent   Multiple 35%   Agg Rapist 100%     Career   Persistent 45%   Cidil Predator 100%	Ass Rob w/Prior 100% Ass Child Nes/En 85%	nkthon, and (a) to have a jury set any nine greater than 500.00.  Inderstand that there will not be a trial of any kind. Pursuant to the terms
Multiple   Standard 30%   Child Rapart 100%     Peruistent   Multiple 35%   Agg Rapist 100%     Career   Peruistent 45%   Child Predator 100%     Career 60%   § 39-13-518 100%	App Nob w/Prior 100%	'I may be asked questions about the offense(s) to which I have pleaded, ay later be used against me in a protectation for perjury or aggravated the Court accept my plea of GUILTY.
Multiple   Standard 30%   Canad Rapart 100%	Agg venerular rominate 50%   Agg venerular rominate 50%   Agg Assault w   Death 75%   \$40-35-501(u) \$5%   Att 1" Deg Murder w   SBI 55%	the Court accept my plea of GUILTY.
Concurrent with:	Pretrial Jail Credit Period(s):	Defendant
	From to to to to to	ove, inquired into his/her understanding of the consequences of entering a his/her rights, that the plea is voluntary and not the result of force or
Consecutive to:	From to From to	a mix-mer riggin, tune mee plea is vocaminary and not me evaluate over or defendant's willing mess to plead guilty results from prior discussions a of GUILTY heretofore entered by the defendant is acceptable and.
	It is not the intent of the court for duplication of Jail Credit to be applied to consecutive sentences	e of GULLI's necessore entered by the decembant is acceptable and, lea agreement.
Sentenced To: TDOC County Jail	Workhouse	
Sentence Length:YearsMonthsD	ysHours	COUNTY TENNESSEE
8.55-10-	417, 39-13-513, 39-13-514, or 39-17-432 in Prohibited Zone	
	324 Possession/Employment of Pirearm 208, -311 Violation of Sex Offender Registry 99-17-434, +17, +18)	Сази#
Period of incarceration to be served prior to release on pr	39-17-43-4, -4-17, -4-18)  obation or Community Corrections:MonthsDaysHours  ugh, trusty status and rehabilitative programs:% (Mademanar or Spin Confinement Only)	
Alternative Sentence: Sup Prob Unsup Prob Comm	Corr Prob Sup By Comm. Corr (CHECK ONE BOX)	( ) Defendant waived extradition
	B A CONDITION OF THE ALTERNATIVE SENTENCE? Yes No	
Judge's Name	Judge's Signature	
CR-3419 (Rev. 02-19)	Page 1 of 2 RDA 1167	in the County Jail (Class Misd.)
	Found GUILTY of violation of TCA	
	fixed \$, uxed with costs and taxes and sentenced to serve months Found GUILTY of violation of TCA	days in the County Jail (Class Misd.)
	fined \$, taxed with costs and taxes and sentenced to serve months	days in the County Jail (Class Misd.)
	Total contracts are conducted asserts	n of good behavior, payment of fines, costs and taxes and restitution of
	( ) supervised probation for ( ) msu ( ) not drive in Tanascase for vaso(s) and completion of ( ) fill school ( ) a	pervised probation for [colod/drug authorized and counciling [ ] damages abuse counciling
	an interpretable problems to keys and completes of () DUT school () and drive in Tenancies for	( ) Sentence may be served on consecutive weekends
	Release eligibility date is% of the term of imprisonm	
		ury after ( ) preliminary hearing ( ) waiving preliminary hearing and
	( ) bail set at \$ ( ) Defendant shall continue on current bond of \$	
	Other See separate sentencing order	
	Date Sales	
	330	

### Dispositions

Tenn. Code Ann. 18-4-103 amended effective on the governor's signature.

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.

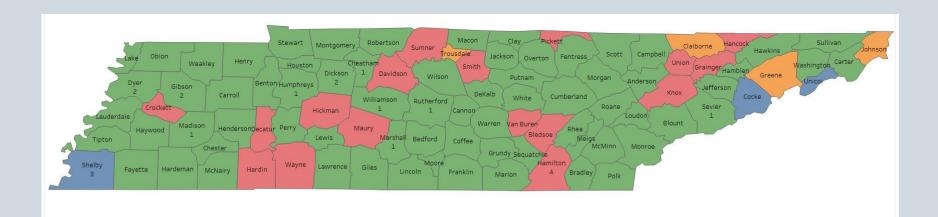
If you are not getting the State Control Number from your booking agency, please reach out to:

- 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.



Green - submitting through FlexCheck

Orange - requested authorization to use FlexCheck, but not submitting

Blue - at least one court in the county is using FlexCheck

Red - no request submitted to use FlexCheck

Numbers listed in counties represent the number of municipal courts in that county using FlexCheck

# 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 Secu	ırity Numbe	er
		WI/I/O	COLL	RT INFORMATIO				
County	Court		COO	ti ilti olimatio	•		Division	Judge
,		Circuit		Criminal		Sessions		
Name and email add	ress of court		respons				1	
Additional names an	d email addr	esses						
			CHARGE	ES FOR EXPUNCT	ION			
Original Charge 1			CHAROL	Date of Arrest	ON			Conviction
original orial gc 1				Date of Arrest			1	Diversion
Final Charge 1				Case Number				Eligible
							1	Not Eligible
Onininal Channe 2				Date of Arrest				Conviction
Original Charge 2				Date of Arrest			1	Diversion
Final Channe 2				Case Number				Eligible
Final Charge 2				Case Number				Not Eligible
Original Charge 3				Date of Arrest			1	Conviction
								Diversion
Final Charge 3				Case Number				Eligible
								Not Eligible
Original Charge 4				Date of Arrest				Conviction
								Diversion
Final Charge 4				Case Number				Eligible
								Not Eligible
Comments			Disc	laimer goes here				
Criminal Records Un	it			-		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 EXPUNGEN	LENT OF CRIMINAL OF	FENDER REC	<u>OKD</u>	
tate of Tennessee vs				
Pate Original Case was filed in Clerk's Office	General Sessions I	Oocket Number		
heCourt ofCounty, Tennessee at				
On the Motion or Petition of				
Defendant/Arrest Information:	State Cor	ntrol Number:		
Defendant (name used at time of arrest)		Race	Sex	Date of Birth
Arresting Agency		OCA#	Da	te of Arrest
Charge I (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)				
Diversion Date (y apprense)				
the defendant named above is entitled to have all PUBLIC RECORDS rel	lating to the offenses listed above expu	nged according to the	T.C.A. pr	ovision marked belo
Provisions relating to Adults: Charge has been dismissed (T.C.A. § 40-32-101) No true bill returned by Orand Jury (T.C.A. § 40-32-101) Arrested and released (T.C.A. § 40-32-101) Verdice of not guilty (T.C.A. § 40-32-101) Nothe Prosequi entered in case (T.C.A. § 40-32-101) Abdeted by death (T.C.A. § 40-32-101) Judicial Diversion (T.C.A. § 40-33-313) Petrial Diversion (T.C.A. § 40-33-313) Petrial Diversion (T.C.A. § 40-33-313)	Provisions relating to Juveniles Petition alleging delinquence Proceedings dismissed affer Court as provided in T.C.A. Adjudicated not to be a delin Child has reached eighteen ( committed a criminal offen such fingerprints were obtat adult would be a felony (T. 6)	y not filed (T.C.A. § 3 petition is filed or the § 37-1-109 (T.C.A. § quent child (T.C.A. § 18) years of age and the e after reaching sixtee ned on alleged charge C.A. § 37-1-155)	case trans 37-1-155 37-1-155 here is no en (16) year which if	record that he ars of age, unless committed by an

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-p accordance with T.C.A. § 40-32-101(b)(1) & (g)(13); T.C.A. § 10-7-504; and T.C.A. § 38-6-118.

T.C.A. § 57-3-412(a)(3)(c) or T.C.A. § 57-5-301(e)(3) Juvenile Pretrial Diversion (T.C.A. § 37-11-10)

Pardon expungement (T.C.A. § 40-32-101 (h))

Human Trafficking expungement (T.C.A. § 40-32-105)

No final disposition associated with arrest (T.C.A. § 40-32-101(m)

#### APPROVED FOR ENTRY

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

BI-0333 (Rev 09/2023) RDA 11383

# 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.

	State Control Number
State of Tennessee vs	
General Sessions Docket No	Circuit Docket No
Defendant/Arrest Information:	
Defendant (name used at time of arrest)	Race Sex Date of Birth
Arresting Agency	Date of Arrest
Charge 1 (original arrest charge)	SSN#
Charge 2 (original arrest charge)	OCA#
Charge 3 (original arrest charge)	_
Disposition Information:	
Final Charge	Final Disposition
12	
3	
*The Defendant understands that this request v	will only remove the requested charges from the
	e National Crime Information Database, and/or he court clerk, pursuant to T.C.A. §40-32-101(j).
	any court file or other county database. Court

# 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.



# 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.

### Contact Info

TBI email addresses have changed. Please use this updated contact information when reaching out to our team.

Name	Title	Phone	Email
Cyndi Chambers	CHE3 - Diversions	615-744-4273	Cyndi.Chambers@tbi.tn.gov
Haylee Pellegrino	CHE3 - Expungements	615-744-4254	Haylee.Pellegrino@tbi.tn.gov
Hayven Williams	CHE3 - Dispositions	615-744-4568	Hayven.Williams@tbi.tn.gov
Julie Barr	CHE3 - Expungements	615-744-4385	Julie.Barr@tbi.tn.gov
Dispositions		615-744-4617	TBI.Dispos@tbi.tn.gov
Diversions		615-744-4617	TBI.Diversions@tbi.tn.gov
Expungements		615-744-4617	TBI.Expungement@tbi.tn.gov
Heather Hurley	CJIS Supervisor	615-744-4025	Heather.Hurley@tbi.tn.gov
Holly Folsom	CJIS Supervisor	615-744-4280	Holly.Folsom@tbi.tn.gov
Rachel Russell	Deputy Counsel of Policy/CJIS Attorney	615-744-4393	Rachel.Russell@tbi.tn.gov
Kenneth Blue	CJIS Systems Officer	615-744-4078	Kenneth.Blue@tbi.tn.gov

# 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

# Questions