



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

Expungement in Municipal Courts: an MTAS Guide

John Eskew, MTAS Municipal Courts Specialist

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Criminal Court Expungements Generally

Before we talk about expungements in municipal courts, let's discuss some broad topics about expungements.

For the longest time, expungements were the exclusive domain of criminal courts. Only the municipal courts with concurrent general sessions jurisdiction would have any role in criminal expungements proceedings. Therefore, expungements did not involve traditional municipal courts at all.

A criminal expungement is essentially the removal of a conviction or arrest from a person's criminal history record. However, not every conviction or arrest is eligible for an expungement. But if an offense is listed as eligible for expungement, the person's arrest record or conviction record would be removed from the court's public records or police department's public records.

These arrest or conviction records will still be preserved for the exclusive use of law enforcement, but these records will be kept confidential and not accessible to the public.

Expungements are also called expunctions, and expunction is the term commonly used in the statutes. The expungement process was modified in 2025 and can be found in T.C.A. §§ 40-32-106 – 110. Courts can charge expungement fees in certain instances but must be dismissed without a fee in other circumstances, such as when charges were dismissed or Nolle Prosequi, the grand jury returned a No True Bill, or a verdict of not guilty by a judge or by a jury. If a fee is permitted, the court clerk may charge a fee up to \$100 per T.C.A. § 8-21-401(g)(5).

Once a criminal expungement order is issued by the courts, the arresting agency (i.e. city police departments) must find a way to make the person's arrest records not part of a public record. The police department would need to sequester the records either digitally or physically to keep them confidential.

Criminal expungements can benefit a person in a variety of ways. Having a person's criminal or arrest records expunged can improve a person's chances of future employment when a potential employer conducts a background check. It can also improve housing chances if a potential landlord runs a background check as some landlords decline to rent to individuals convicted of serious crimes. If a person wants to purchase a firearm, certain offenses will prevent the sale, but if those eligible offenses were successfully expunged, the sale could go through.

Also, expungements can help restore a person's civil rights. For instance, convicted felons cannot legally vote, but if the felony is expunged, the person may seek to have his or her voting rights reinstated.

With that background, let's shift gears into expungement in municipal courts.

Expungements in Traditional Municipal Courts

If you are new to the world of municipal courts, here's a short breakdown between a traditional municipal court and a municipal court exercising concurrent general sessions jurisdiction.

TRADITIONAL MUNICIPAL COURTS

Under the Municipal Court Reform Act, T.C.A. § 16-18-302, jurisdiction for these courts is as follows:

- (a) For any municipality that does not have, on May 5, 2009, a municipal court that was ordained and established by the general assembly, a municipal court is created to be presided over by a city judge. Notwithstanding any law to the contrary:
 - (1) A municipal court possesses jurisdiction in and over cases:
 - (A) For violation of the laws and ordinances of the municipality; or
 - (B) Arising under the laws and ordinances of the municipality; and
 - (2) A municipal court also possesses jurisdiction to enforce any municipal law

or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars (\$50.00).

In short, a traditional city court hears specific city ordinances that the city council passes. These items can include violations for grass being too tall, noise ordinance violations, construction not meeting the proper building codes, and sign and zoning ordinance violations.

Additionally, these traditional municipal courts can also hear the Class C Misdemeanors adopted into the city code. The most common examples of these are the traffic and motor vehicle laws like speeding, due care, insurance, headlights, seatbelts, etc. These laws are typically called the *Rules of the Road* and are found in Title 55, Chapters 8, 9, 10, and 50 in the *Tennessee Code*.

While most of these Class C Misdemeanors focus on traffic violations, the city can adopt any Class C Misdemeanor as long as the fine does not exceed \$50. There are several Class C Misdemeanors that do not involve vehicles at all. Two examples are criminal trespass (T.C.A. § 39-14-405) and disorderly conduct (T.C.A. § 39-7-305).

MUNICIPAL COURTS EXERCISING CONCURRENT GENERAL SESSIONS JURISDICTION

While not nearly as common, some municipal courts are also empowered by their charter to exercise concurrent general sessions criminal jurisdiction.

For these cities, they can hear the same ordinance and Rules of the Road violations as all other courts, but they also will hear the Class A and B Misdemeanor criminal violations like theft, drugs, assault, DUI, etc.

These courts are also authorized to conduct preliminary hearings in cases that will

ultimately be bound over to circuit court as a felony case.

At the time of this writing in 2025, here are some pertinent numbers:

- Number of cities in Tennessee: 345
- Number of cities with a municipal court: 279
 - Number of traditional municipal courts: 255
 - Number exercising concurrent general sessions jurisdiction: 24

Quick Note: MTAS expects the number of traditional city courts to grow over the next few years as more cities want to create a city court to address various codes enforcement violations.

New Municipal Court Expungements Law in Effect July 1, 2023

In 2023, T.C.A. § 16-18-302 was amended by Public Chapter 356. This added the new subparagraph (a)(3) and reads as follows:

(3)(A) A municipal court has jurisdiction over the expunction of a conviction for a violation of a municipal ordinance from a person's public record in the municipal court upon the person's petition requesting removal of a public record of a violation of a municipal ordinance.

(B) The court may grant the petition if:

- (i) The petition satisfactorily demonstrates to the court that the petitioner merits such relief;
- (ii) At the time of the filing of the petition, at least one hundred eighty (180) days have elapsed since the completion of the penalty imposed for the ordinance violation; and
- (iii) The person has fulfilled all requirements of the judgment imposed by the court for the conviction, including payment of all fines, court costs, and other assessments.

(C) As used in this subdivision (a)(3), "public record" has the same meaning as

in § 40-32-101.

(D) The municipal court clerk may charge a fee for the expunction of public records pursuant to this subdivision (a)(3). The fee for expunction of a public record in municipal court must be set by municipal law or ordinance.

(E) A municipal court's jurisdiction under this subdivision (a)(3):

(i) Is limited to the records in that municipal court; and

(ii) **Does not include records of the department of safety relating to driver records or the driver improvement program established in § 55-50-505.**

Tenn. Code Ann. § 16-18-302

Please note that **traffic citations are not eligible for an expungement in municipal courts under T.C.A. § 16-18-302(a)(3)(E)(ii)**. Admittedly, traffic cases are the bulk of most city courts, which leaves very few otherwise expungable cases. Likewise, traffic citations are not eligible for expungement in state courts either. This language helps preserve consistency between state records, Department of Safety records, a driver's motor vehicle record, and the city's court and police records.

Paragraph 302(a)(3)(A) grants for the first time the authority of a municipal court to expunge convictions of municipal ordinance violations from a person's public record. The person must petition the court requesting the removal of this public record of the violation of the municipal ordinance.

Paragraph 302(a)(3)(B) details the steps a court takes in adjudicating the expungement. It begins with, "The court may grant the petition if...". The word "may" indicates that the court does have some judicial discretion on whether a petition has merit for relief. As such, petitioning for an expungement does not automatically guarantee it will be granted.

Continuing with 302(a)(3)(B),

(B) The court may grant the petition if:

- (i) The petition satisfactorily demonstrates to the court that the petitioner merits such relief;
- (ii) At the time of the filing of the petition, at least one hundred eighty (180) days have elapsed since the completion of the penalty imposed for the ordinance violation; and
- (iii) The person has fulfilled all requirements of the judgment imposed by the court for the conviction, including payment of all fines, court costs, and other assessments.

Tenn. Code Ann. § 16-18-302

Subparagraph (i) requires the petitioner to essentially convince the judge that the request for the expungement deserves to be granted.

Subparagraph (ii) establishes a minimum timeline between the conviction and when the petition can be filed. This paragraph requires at least 180 days since the completion of the penalty imposed for the ordinance violation.

If a person was cited for property maintenance code violations like dirty, unkempt yards or grass too tall, or constructing a building that did not comply with proper building codes, the person would need to remedy those violations and have at least 180 days pass since those violations were cured. If those violations were never cured, then the judge has the discretion to rule the petition for expungement does not merit relief.

Subparagraph (iii) talks about money. This requires the petitioner to pay all fines, court costs, litigation taxes, and any other assessments related to the municipal ordinance conviction. If there is a remaining balance for these expenses, then the court should not grant the expunction.

In order for the judge to determine whether the petition for expungement merits relief, all three of these elements must be met.

Moving on to the next paragraphs, T.C.A § 16-18-302(a)(3)(C) and (D) state as follows:

(C) As used in this subdivision (a)(3), “public record” has the same meaning as in § 40-32-101.

(D) The municipal court clerk may charge a fee for the expunction of public records pursuant to this subdivision (a)(3). The fee for expunction of a public record in municipal court must be set by municipal law or ordinance.

Tenn. Code Ann. § 16-18-302

Let’s look at the definition of “public record” in T.C.A. § 40-32-101. This is the same definition of “public record” as found in the criminal court expungement statutes. It reads as follows:

(4) “Public records,” for purposes of expunction only, does not include:

- (A) Arrest histories;
- (B) Investigative reports;
- (C) Appellate court records or appellate court opinions;
- (D) Signed orders of expunction that are maintained as confidential records and are not open for inspection by members of the public;
- (E) Intelligence information of law enforcement agencies;
- (F) Files of district attorneys general that are maintained as confidential records for law enforcement purposes and are not open for inspection by members of the public; and
- (G) Records of the department of children’s services or department of human services that are confidential under state or federal law and that are required to be maintained by state or federal law for audit or other purposes. Whenever an order of expunction issued under this section is directed to the department of children’s services or department of human services, the department shall notify the defendant if there are records required to be maintained as directed above and the basis

therefor. The department shall delete identifying information in these records whenever permitted by state or federal law. These records are to be expunged whenever their maintenance is no longer required by state or federal law.

Tenn. Code Ann. § 40-32-101(4)

In other words, if a person's name is on a record and it's not specifically listed on this list of exclusions, a court will need to find a way to remove that person's record from a public records search.

Subparagraph (a)(3)(D) allows a court to charge a fee for the expungement, but that fee must be set by ordinance. This means the city council would need to pass an ordinance setting any fee for expungement.

If a city has not yet passed such an ordinance, then arguably if a petitioner meets all the eligible criteria for expungement, the court must process the expungement petition for free. The law does not permit a city court to refuse a proper expungement petition solely because a fee has not been set.

As far as the fee goes, it is up to the city council to set the fee. For reference, T.C.A. § 8-21-401(g)(5) allows a general session criminal court to assess a fee up to \$100 for expunctions. Hypothetically, the general sessions criminal court clerk could assess a fee of less than \$100 because the statute says "fee up to \$100;" however, state courts typically charge the full \$100.

If a city wants to charge \$100 for a municipal court expunction it would be reasonable to do so. Likewise, if a city makes a policy choice to charge less than that, it can do so also. Ultimately, it's the city's decision, but it would need to be passed by ordinance.

MTAS has drafted a [sample ordinance for setting the expunction fee](#) that can be found at the end of this article and also on our website.

TRAFFIC AND MOTOR VEHICLE VIOLATIONS NOT ELIGIBLE FOR EXPUNGEMENT

Let's continue to the last two items, T.C.A. § 16-18-302(a)(3)(E)(i) – (ii).

(E) A municipal court's jurisdiction under this subdivision (a)(3):

(i) Is limited to the records in that municipal court; and

(ii) Does not include records of the department of safety relating to driver records or the driver improvement program established in § 55-50-505.

Tenn. Code Ann. § 16-18-302

Subparagraph 302(a)(3)(E)(i) is straight forward. A municipal court's jurisdiction to expunge records only extends to the records it has from its court proceedings.

Obviously, a municipal court judge cannot issue an order to expunge records of a state court (circuit, chancery, general sessions, civil or criminal).

Subparagraph 302(a)(3)(E)(ii) deals with records that the courts submit to the Department of Safety. When it comes to traffic citations or motor vehicle violations, those dispositions are reported to the TN Department of Safety and Homeland Security (hereinafter, DOSHS).

The Court Action Report has a box with the following disposition options:

- Guilty
- Dismissed
- Reduced – Guilty of _____ (assuming the court exercises concurrent general sessions jurisdiction)
- Failures to appear in court - initiate suspension
- Fail to pay fines/costs after conviction – initiate suspension

Here is a screenshot of the disposition boxes on the Court Action Report.

CASE DISPOSITION: (CHECK ONLY THE ONE APPROPRIATE BOX)	
<input type="checkbox"/> GUILTY AS CHARGED	<input type="checkbox"/> REDUCED - GUILTY OF: _____
<input type="checkbox"/> DISMISSED	<input type="checkbox"/> FAILED TO APPEAR - INITIATE SUSPENSION (LIST CONVICTION)
<input type="checkbox"/> FAILED TO PAY FINES/COSTS AFTER CONVICTION - INITIATE SUSPENSION	<input type="checkbox"/> SENT IN ERROR

Also, the court can report Traffic School as the disposition in a separate line with the completion date

TRAFFIC SCHOOL	DATE COMPLETED
<input type="checkbox"/> YES <input type="checkbox"/> NO	

If a person is convicted of a motor vehicle offense, it is reported to the DOSHS and will stay on the driver's Motor Vehicle Record (MVR). Offenses that are recorded on a driver's MVR will stay on the driver's MVR forever. It is a common misconception that these convictions will fall off the MVR after a few years. However, that is not the case.

The reason people think convictions drop off a person's MVR is that when a person applies for a job or car insurance, the background check company or the insurance company will typically only look at the past three to five years to see what motor vehicle violations occurred.

It is also important to note that not every motor vehicle conviction results in points on a person's license. For example, speeding 6-15 mph in excess of the posted speed will result in 3 points on a driver's license, but a conviction of window tint violation will not incur any points. Both are Class C Misdemeanors, both results in a finding of guilt in a city court, and both are reported to the DOSHS and will appear on the MVR, but the window tint will not incur any points.

The DOSHS has a website detailing the schedule of point values here:

<https://www.tn.gov/safety/driver-services/reinstatements-and-moving-violations/reinstatements/values.html>.

This list also appears in the publication *Rules of the Tennessee Department of Safety Driver Control Division, Chapter 1340-01-04, Tennessee Driver Improvement Program*. The current version was last revised in 2014, so any Rules of the Road statutes enacted after that date—such as the Hands-Free law (T.C.A. § 55-8-199) passed in 2017—will not be included.

Continuing, whenever a municipal court reports a disposition to the Department of Safety, it will do so in one of three ways: (1) Court Action Report, (2) the DOSHS's new e-Services Court Portal, or (3) a third-party software system. By creating this court disposition report, the city creates a municipal court record that subsequently becomes a part of the Department of Safety's records.

By reading T.C.A. § 16-18-302(a)(3)(E)(ii) language, "Does not include records of the Department of Safety relating to driver records or the driver improvement program established in § 55-50-505," MTAS believes that whenever the city creates the disposition record and sends it to the DOSHS, the city's record is there by "relating to the driver records or the driver improvement program." These would be convictions and traffic school dispositions.

Admittedly, one could make the counterargument that the statute may be interpreted to mean that the city's records for traffic convictions could be expunged, but the Department of Safety's records cannot be expunged. If this were the case though, it would create inconsistencies of public records.

If a city expunged a traffic conviction from its municipal court record, the same conviction could still appear on a Motor Vehicle Record (MVR) through a DOSHS search. This could lead to claims that DOSHS should also expunge its record. To prevent this, MTAS interprets the statute to mean that any city record forming the basis of a DOSHS driver record or driver improvement program is not expungable under this paragraph.

So, if traffic citations are ineligible for expungements, then what is actually eligible to be expunged?

Traffic tickets make up the bulk of most city court cases; however, municipal courts do hear other offenses. In short, any offense that is not a motor vehicle violation that is reported to the DOSHS is an eligible offense for expungement.

Here are a few examples of eligible offenses that could be expunged:

- Open containers of alcohol on public property like sidewalks.
 - We often see this on college campuses where students will have a party that spills out to the sidewalks near the apartments or houses. If the student has an open container of beer on the public sidewalk, that is a city ordinance violation, not typically a state criminal charge.
 - If a college student or a young person is cited for this, he or she may want to get this expunged as they look for jobs that require background checks, or if a person is seeking a security clearance for the government or military, having this expunged would be a benefit.
- Constructing a building without a permit, or construction that is not up to code.
 - When a builder applies for construction insurance, the insurer may ask if there were any other violations cited in the past to determine the level of risk the insured may pose. It may affect premium rates, so a builder may want these types of offenses expunged.
- Overgrown vegetation / Slum Clearance Act and property maintenance code violations heard in city court.

Of course, this list is not meant to be exhaustive, but rather to provide just a few examples of non-traffic violations that a person may wish to be expunged if there is a benefit to having that done.

KEEP RECORDS CONFIDENTIAL, BUT DO NOT DESTROY THEM

For our municipal courts with concurrent general sessions jurisdiction, these courts will process expungement petitions. T.C.A. § 40-32-102(e)(1) states, “The clerk of the court maintaining records expunged pursuant to this chapter shall keep such records confidential.” Additionally, T.C.A. § 40-32-108(f) also requires to the court clerk to keep these records and the petitions confidential.

The remaining subsections of T.C.A. § 40-32-102(e) prohibit the court clerk from releasing records to the public but does permit the release of these records to law enforcement (for law enforcement purposes), the Comptroller’s office (for audit and other investigations), and to the petitioner who received the expunction.

WHAT TO DO WITH EXPUNGED RECORDS? HOW DO WE MAKE THEM NOT PUBLIC RECORDS?

You have received an order from the municipal judge to expunge your municipal court records for an eligible offense. Now what?

For better or for worse, neither the Municipal Court Reform Act (T.C.A. § 16-18-302(a)(3)) nor the criminal expungement statutes (T.C.A. §§ 40-32-106 – 110) discuss what to do with the records. There are no state mandated processes on how to keep these records confidential. The laws simply say to make these records not a public record.

The good news is that municipalities have flexibility in how they make these records not public records.

Physical and paper court records and police department records

If your court records and police records are paper records, you can do a few different things, none of which are complex or scientific. You can take the

expungement order, attach it to the rest of the file, and move it to a different filing cabinet. You can label that file “Private” or “Not Public Record” or even move the file or even the filing cabinet to another place in your office or behind a locked door.

The court and police department will keep the physical paper records, but the court clerks and police records clerks should know by looking at the file that this file should not be released under the public records laws. The court should train the staff to recognize these expunged records and sequester them away from the regular records. The staff should also be trained to realize these are not to be disclosed to the general public even if a person makes a legitimate public records request. These records should be kept confidential.

Electronic and digital records for court and police arrest records

This is essentially the same as paper records. These electronic records for court and police records should be preserved digitally but somehow classified electronically to be kept confidential and not subject to release to the general public.

Some courts have software that makes this process much easier. Some software can automatically delete the defendant’s name and replace the name with “EXPUNGED.” This instructs the court clerk and police records clerk not to disclose this information.

The software vendor for your police and court records should be able to work with you to develop a solution to ensure that the properly expunged records for all courts and police departments are kept confidential and preserved, but not accessible to the public.

Lastly, it is very important to train court clerk and police records clerks on the importance of expungements, the necessity of preserving the records as confidential, and not accidentally disclosing these records to the public.

SAMPLE DOCUMENTS FOR THE PETITION, ORDER FOR EXPUNGEMENT, AND ORDINANCE TO SET EXPUNGEMENT FEE

For county general sessions courts and municipal courts exercising concurrent general sessions jurisdiction for criminal cases, the Tennessee Administrative Office of the Courts has created the necessary forms for criminal petitions and criminal expungement orders. Also, the Tennessee Bureau of Investigation created the form for the expungement certificate that a judge is required to sign before issuing an expungement.

For these criminal court cases, the appropriate State agencies have created the necessary documentation. This ensures consistency for all criminal court expungements across the state. These forms are not included in this article because all criminal courts are familiar with them. Additionally, these criminal court forms are not included to prevent any possible confusion for a traditional city court processing municipal expungements to accidentally use these state criminal forms that are not applicable and cite different statutes.

For our traditional municipal courts and our municipal courts exercising concurrent general sessions jurisdiction (but hearing the municipal code offenses), there are no standardized forms created by any state agency.

As mentioned earlier, MTAS has created three sample documents for municipal courts who will expunge eligible municipal offenses under T.C.A. § 16-18-302(a)(3). These samples are based on the AOC's criminal expungement forms, so they may look familiar. They're just examples, not set in stone, and cities can customize them however they like.

- Sample Ordinance to Set the Expungement Fee
- Sample Petition for the Expungement of Municipal Court Records
- Sample Order executing Expungement (to be signed by the judge)

Again, both PDF and Word versions of these forms can be found on the MTAS [Courts resource page](#) and [in the MTAS MRLn database](#).

For more information on municipal court expungement or other municipal court information, please contact John Eskew, MTAS Courts Specialist at:
john.eskew@tennessee.edu.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY/TOWN OF _____, TENNESSEE
AMENDING TITLE ____ OF THE MUNICIPAL CODE REGARDING MUNICIPAL COURT
EXPUNGEMENT AND FEES**

WHEREAS, the Board of Mayor and Aldermen of (CITY/TOWN) desires to adopt a fee for the expungement of public records in municipal court; and

WHEREAS, the Tennessee General Assembly amended the laws pertaining to municipal court jurisdiction under Tennessee Code Annotated § 16-18-302(a)(3), granting authority of a city to set a fee for expungement of said municipal court records;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of _____, Tennessee that:

SECTION 1. Title ____, Chapter __, of the municipal code is hereby amended, and a new chapter __, Section ____ is substituted as follows:

Section XX-XXX. Fee for expunction of municipal court public records. By the authority granted under Tennessee Code Annotated, § 16-18-302(d)(1)(D), the City/Town adopts a fee of \$_____ for the expunction of eligible municipal court public records.

SECTION 2. This ordinance shall take effect upon publication after its final passage in a newspaper of general circulation, the public welfare requiring it.

Approved on First Reading _____

Approved on Second Reading _____

Mayor

Attest: City Recorder

City Attorney

PETITION FOR THE EXPUNGEMENT OF MUNICIPAL COURT RECORD

CITY OF _____ MUNICIPAL COURT

City of _____ v. _____

Court Docket Number _____

Citation Number: _____ Citation Date: _____

Conviction Date: _____

Petitioner's Name: _____

Petitioner respectfully petitions this Honorable Court to order that all public records maintained by this municipal court for the convictions of the following charges be expunged pursuant to T.C.A. § 16-18-302(a)(3) as follows:

Final Charge 1 _____

Final Charge 2 _____

Final Charge 3 _____

Final Charge 4 _____

The Petitioner asserts he or she has completed the following requirements pursuant to T.C.A. § 16-18-302(a)(3):

_____ At least one hundred eighty (180) days have elapsed since the completion of the penalty imposed for the ordinance violation;

_____ The defendant has fulfilled all requirements of the judgment imposed by the court for the conviction, including payment of all fines, court costs, and other assessments.

_____ The defendant has paid the required expungement fee of \$_____

Petitioner understands that statements made in the Petition for Expungement are made under penalty of perjury in connection with an official proceeding.

WHEREFORE, Petitioner prays that this Court order that all public records maintained by this Municipal Court of this conviction (or these convictions) be expunged pursuant to T.C.A. § 16-18-302(a)(3).

Respectfully submitted,

PETITIONER'S SIGNATURE

PETITIONER'S MAILING ADDRESS:

ORDER FOR THE EXPUNGEMENT OF MUNICIPAL COURT RECORD
CITY OF _____ MUNICIPAL COURT

City of _____ v. _____

Court Docket Number _____

Citation Number: _____ Citation Date: _____

Conviction Date: _____

Petitioner's Name: _____

Disposition Information:

Final Charge 1 _____

Final Charge 2 _____

Final Charge 3 _____

Final Charge 4 _____

The Defendant above has completed the requirements pursuant to T.C.A. § 16-18-302(a)(3):

_____ At least one hundred eighty (180) days have elapsed since the completion of the penalty imposed for the ordinance violation;

_____ The defendant has fulfilled all requirements of the judgment imposed by the court for the conviction, including payment of all fines, court costs, and other assessments.

_____ The defendant has paid the required expungement fee of \$_____

The Defendant is entitled to have all public records maintained by this municipal court for the related offenses expunged according to the T.C.A. § 16-18-302(a)(3).

Clerk / Judge/ Official

Date



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