

## Questions for TBI and Expungement issues

1. For traditional city courts (no general sessions) what should we do when we get an expungement request? *If the defendant was fingerprinted and the charge should be removed from their criminal history you need to send it to TBI.*
2. How does a traditional city court preserve the expunged case file but still make sure it's not available to the public? *Preservation of expunged case files should be determined by the appropriate city court personnel.*
3. Does the city court clerk just expunge from his record on file? *If the defendant was fingerprinted and the charge should be removed from their criminal history you need to send it to TBI. If this doesn't answer the question, additional clarification is needed.*
4. Any easy way to get the expungements taken care of, with example handouts, checklists, and instructions. *(This should be covered in the main presentation).*
5. We have changed software vendors or moved to 3rd party software from TNCOP. How do we expunge older records? *Your IT or software vendor should be consulted.*
6. Is the court clerk responsible to assist them with the expungement or should they have to contact the DA or an attorney? *This would be a decision made on the local level. However, conviction expungements should be handled pursuant to TCA 40-32-101(g).*
7. What should we charge the defendant for the expungement order and does all that money stay with the court? *Refer to TCA 8-21-401.*
8. What I've done in the past if their charge(s) were actually dismissed- I would complete the expungement order, have them sign, have our judge sign the order and expunge their case without any costs. My question involves if they were found guilty or any other type of disposition and are asking for an expungement, is it my responsibility to assist them with the expungement or should I advise them to seek help. *This would be a decision made on the local level. However, conviction expungements should be handled pursuant to TCA 40-32-101(g).*
9. Is it true that when something is expunged, you shall dispose of the hard copy case file, citation, etc. and delete personal info of said individual from your departments software

and does this also include disposing of the expungement notice you receive? *Preservation of expunged case files should be determined by the appropriate city court personnel.*

10. Are there any fees that municipal courts should charge for expungements? *Refer to TCA 8-21-401.*
11. What records are kept? What records are destroyed? *Preservation of expunged case files should be determined by the appropriate city court personnel.*
12. *Note: This question includes an attachment sent with the original email - Request for Removal of Criminal Offender Record pursuant to TCA 40-32-101j. This is not an expungement, but how are clerks supposed to treat this document? It says the request will only remove the charges from TBI database, NCIC database and public database maintained by clerk. It doesn't not expunge records from court file or other county database. So how is it suggested that we "mark" or handle our case files and computer files? Do we still include this information on a background check? (Part of this should be covered in the main presentation).*