

Conviction Expungement Instructions

Completely fill out the expungement paperwork. You may access our records to complete the form at <https://montgomerytn.gov/circuit>

- All Court Costs must be paid in full before applying for Expungement. You can check on our website to see if any costs are owed.
- Click on the online court records tab on the left column. Detailed login instructions will be in the center of the page.
- If you are mailing the packet, place the completed expungement form in an envelope containing the required documents listed on page 3 of the packet.
- Carefully look over the list of cases that are eligible for expungement and those that are not. Also make sure that the elapsed time from the completion of the sentence has been met.
- The Petition for Expungement will be set approximately 60 days from the date we receive your paperwork to give the DA time to research. If they have questions or find information that conflicts with your petition you may need to appear in court.
- Guilty traffic violations are not considered an eligible offense for expungement.
- We accept cash, debit/credit, money order or cashier's check (money order or cashier's check will need to be made out to Circuit Court Clerk) (No personal checks). This fee is nonrefundable if the petition is denied.
- You can file the petition in person at our office or mail it in.
- If you are mailing it in, please address the envelope to:

General Sessions/Circuit Court, Attn: Records

2 Millennium Plaza, Ste 115

Clarksville, TN 37040

We will send you a copy (in the self-addressed stamped envelope that you provide) as soon as we have completed the process. **After the process is complete (approx. 60 days) no information or copies will be available.**

After the record is removed from our database, the expungement order is sent to the TBI to remove from their system.

**INSTRUCTIONS FOR FILING EXPUNGEMENT OF CONVICTION(S)
PURSUANT TO T.C.A. §40-32-101(g) or T.C.A. §40-32-101(k)**

1. Review the attached list of offenses and criteria to determine if your conviction can be expunged. It may be useful to have a copy of your conviction when you do this.

2. Complete the following information (please print):

Full Name on Conviction(s): _____

Other Names (aliases): _____

Current Address: _____

List the Cities and States Where You Have Lived: _____

Date of Birth: _____

Social Security Number: _____

Phone Number (include area code): _____

Email Address: _____

3. Initial only one box, if you have only one conviction. If you have 2 or more, skip to #4.

☐ The conviction is for a Misdemeanor that is NOT excluded from expungement. (They are listed on page 5 and 6)

OR

☐ The conviction is for either a Class E, D, or C Felony, it must be listed. (For expungeable Class E felonies see page 7 and 8, for Class D felonies see page 9 and Class C felonies see page 10)

OR

☐ The conviction occurred prior to November 1, 1989 and meets all the listed criteria. (See page 11)

4. For two or more convictions, please initial one:

- ☐ If petitioning for expungement for two (2) convictions from separate incidents pursuant to TCA §40-32-101(k), the offenses must be two (2) eligible misdemeanors **or** one (1) eligible felony and one (1) eligible misdemeanor. At least five (5) or ten (10) years (depending upon the Class of the charge) must have elapsed since the completion of the sentence imposed for the most recent offense.

OR

- ☐ If you are seeking the expungement of convictions for more than one (1) conviction the conduct upon which each conviction is based must have occurred at the same time and place representing a single continuous criminal episode with a single criminal intent and all such convictions must be eligible for expunction under subdivision (g)(1). **This subsection does not apply to those petitioning for expungement of two (2) convictions from separate incidents pursuant to TCA §40-32-101(k).**

5. You must have no other convictions of a criminal offense that is ineligible for expungement in this or any other jurisdiction other than the one(s) to be expunged; however, any moving or non-moving traffic offense shall not be considered a criminal offense as used in T.C.A. §40-32-101(g)(2)(A).

Note: if you were convicted of three (3) or more crimes arising from separate criminal events in any city, county, or state, then you cannot have *any convictions in Tennessee expunged.

**State law makes an exception for Class E Felony Simple Possession 3rd Offense.*

**If you are a victim of human trafficking, then you may be eligible to have multiple, nonviolent convictions for offenses that resulted from your status as a victim of human trafficking expunged if the expunction is in the best interest of justice and public safety and other requirements are met.*

6. For all expungements, you must have completed all terms of imprisonment, probation or parole. At the time of the filing of the petition for expunction at least:

Five (5) years have elapsed since the completion of the sentence imposed for a misdemeanor or Class E felony; or

Ten (10) years have elapsed since the completion of the sentence imposed for a Class C or D felony.

7. If so required by the conditions of the sentence imposed, you must have remained free from dependency on or abuse of alcohol or a controlled substance or other prohibited substance for a period of not less than one (1) year.

If you meet all requirements, please go to page 3.

DOCUMENTS REQUIRED:

- ☐ **You must attach a copy of the record of the conviction to be expunged.**
(This copy may be obtained from either the Criminal Court Clerk or the General Sessions Court Clerk depending on which Court entered the conviction.)
 - ☐ **You must attach proof showing that you have paid all fines, restitution, court costs and other assessments.**
(This statement may be obtained from either the Criminal Court Clerk or the General Sessions Court Clerk, depending on which Court entered the conviction.)
 - ☐ **You must attach proof showing you have met all conditions of supervised or unsupervised release, such as parole, probation or community service, as evidence by an official statement from the agency responsible for supervising your release, such as the State probation and parole office or county probation or from the Community Correction office. (This proof may be obtained from the appropriate office.)**
 - ☐ **You must attach a copy of your driver's license or government issued ID.**
 - ☐ **You must submit a self-addressed stamped business or legal-sized envelope with your Petition so that the Clerk can mail you a certified copy of your Expungement Order if the Judge grants your Petition. You should keep this certified copy forever as proof that your case was expunged.**
8. A **NON-REFUNDABLE** filing fee of \$100 is due upon returning your completed packet and signed petition with required supporting documents to the Circuit Court Clerk's Office.
 9. The Circuit Court Clerk's Office will forward your petition and all required documents to the District Attorney's Office for review. Please note that in some instances the District Attorney's Office may stand in opposition to the granting of the Petition and/or the Court may not grant you Petition for Expungement.
 10. The Circuit Court Clerk's office will set the Petition sixty (60) days out on the Court's docket and will notify you of this date. You do **not** need to appear if paperwork is correctly filled out and costs and fees have been paid.
 11. Now, read and sign page 4, then skip to page 12 and fill out and sign page 13.

By signing below, you certify that you have fully read and truthfully completed this packet. You understand that the Order granting Expungement does not reinstate your voting rights or other citizenship rights and that further action may be required to have any of those rights restored. You understand that the filing of the Petition for Expungement does not guarantee that the Petition will be granted by the Court. You further understand that statements made in the Petition for Expungement are made under penalty of perjury in connection with an official proceeding.

*If you are an attorney filing the Petition on your client's behalf, please ensure that all information above is filled out/documents attached and sign with your client's permission and date below.

Petitioner's or Attorney's Signature

Date

MISDEMEANOR EXCLUSION LIST

If the conviction is for a Misdemeanor committed on or after November 1, 1989, and is on this list, then that conviction cannot be expunged.

- 39-13-101(a)(1) and (2) Assault **if the offense was committed prior to July 1, 2000;**
- 39-13-101(a)(3) Assault (offensive or provocative physical contact)
- 39-13-102 Aggravated assault of public employee
- 39-13-111 Domestic assault
- 39-13-113(g) Violation of protective or restraining order
- 39-13-113(h) Possession of firearm while order of protection in effect
- 39-13-509 Unlawful sexual contact by authority figure
- 39-13-511(a) Public indecency — first or second offense (punishable by \$500 fine only)
- 39-13-511(b)(2) Indecent exposure (victim 13 years old or older)
- 39-13-511 Public indecency 3rd or subsequent offense
- 39-13-511 Indecent exposure (victim under 13 years of age) or by person in penal institution exposing to a guard
- 39-13-514(b)(3)(A) Patronizing prostitution from a person who is younger than eighteen (18) years of age or has an intellectual disability
- 39-13-526(b)(1) and (2) Violation of community supervision by sex offender not constituting offense or constituting misdemeanor
- 39-13-528 Soliciting minor to engage in Class E sexual offense
- 39-14-304 Reckless burning
- 39-14-406 Aggravated criminal trespass of a habitation, hospital, or on the campus of any public or private school, or on railroad property
- 39-15-201(b)(3) Coercion — abortion
- 39-15-210 Third or subsequent violation of “Child Rape Protection Act of 2006”
- 39-15-401(a) Child abuse (where child is between ages 7- 17
- 39-15-401(b) Child neglect and endangerment (where child is between ages 7-13)
- 39-15-404 Enticing a child to purchase intoxicating liquor — purchasing alcoholic beverage for child
- 39-15-404 Allow a minor to consume alcohol on person’s premises
- 39-15-412(b) Disseminating smoking paraphernalia to minor after 3 prior violations
- 39-15-414 Harboring or hiding a runaway child
- 39-16-404 Misuse of official information by public servant
- 39-17-315 Stalking
- 39-17-317 Disorderly conduct at funerals
- 39-17-431 Unlawful dispensing of immediate methamphetamine precursor, sale of meth precursor to person on methamphetamine registry or purchase by someone on registry, possess meth precursor with intent to sell to another for unlawful use, purchase meth precursor for another for unlawful use, purchase meth precursor at different times and places to circumvent limits, and use false ID to purchase meth precursor for purpose of circumventing limits
- 39-17-437 Using substance or device to falsify drug test results and selling synthetic urine

- 39-17-438 Possession of the hallucinogenic plant Salvia Divinorum or the synthetic cannabinoids
- 39-17-452 Sale or possession of synthetic derivatives or analogues of methcathinone
- 39-17-715 Possession of or consuming alcoholic beverages on K-12 school premises
- 39-17-902(a) Importing, preparing, distributing, processing, or appearing in obscene material or Class A misdemeanors
- 39-17-907 Unlawful exhibition of obscene material
- 39-17-911 Sale or loan to minors of harmful material
- 39-17-914 Display for sale or rental of material harmful to minors
- 39-17-918 Unlawful massage or exposure of erogenous areas
- 39-17-1307(f)(1)(A) Possession of firearm after being convicted of misdemeanor crime of domestic violence
- 39-17-1307(f)(1)(B) Possession of firearm while order of protection is in effect
- 39-17-1307(f)(1)(C) Possession of firearm while prohibited by state or federal law
- 39-17-1312 Failure of adult to report juvenile carrying gun in school
- 39-17-1320(a) Nonparent providing handgun to a juvenile
- 39-17-1352 Failure to surrender handgun carry permit upon suspension
- 39-17-1363 Violent felon owning or possessing vicious dog and
- 55-10-401 Driving under the influence of an intoxicant.
- 55-10-401 Driving while ability impaired (repealed)

FELONY INCLUSION LISTS

A Class E Felony committed on or after November 1, 1989, may be expunged if it appears in the below list. *(If the conviction is for a Class E Felony committed after November 1, 1989 and is not on this list, it cannot be expunged).*

- 39-11-411 Accessory after the fact
- 39-13-306 Custodial interference where person not voluntarily returned by defendant
- 39-13-604(c)(2) Knowing dissemination of illegally recorded cellular communication
- 39-13-1002 Burglary of an automobile
- 39-14-105(a)(2) Theft
- 39-14-114(c) Forgery
- 39-14-115 Criminal simulation
- 39-14-116(c) Hindering secured creditors
- 39-14-117(b) Fraud in insolvency
- 39-14-118 Fraudulent use of credit card or debit card
- 39-14-121 Worthless checks
- 39-14-130 Destruction of valuable papers
- 39-14-131 Destruction or concealment of will
- 39-14-133 Fraudulent or false insurance claim
- 39-14-137(b) Fraudulent qualifying for set aside programs
- 39-14-138 Theft of trade secrets
- 39-14-139 Sale of recorded live performances without consent
- 39-14-143 Unauthorized solicitation for police, judicial or safety associations
- 39-14-147(f) Fraudulent transfer of motor vehicle with value of less than \$20,000
- 39-14-149 Communication theft (\$501-\$999 (fine only)
- 39-14-152 Use of a counterfeit mark or logo
- 39-14-154 Home improvement fraud
- 39-14-408 Vandalism
- 39-14-411 Utility service interruption or property damage
- 39-14-505 Aggravated criminal littering (2nd and 3rd offenses involving certain weight or volume)
- 39-14-602 Violation of Tennessee Personal and Commercial Computer Act
- 39-14-603 Unsolicited bulk electronic mail
- 39-14-903 Money laundering offenses
- 39-16-201 Taking telecommunication device into penal institution
- 39-16-302 Impersonation of licensed professional
- 39-16-603 Evading arrest in motor vehicle where no risk to bystanders
- 39-16-609(e) Failure to appear (felony)
- 39-17-106 Gifts of adulterated candy or food
- 39-17-417(f) Manufacture, delivery, sale or possession of Schedule V drug (fine not greater than \$5,000)
- 39-17-417(g)(1) Manufacture, delivery, sale or possession of not less than ½ ounce and not more than 10 pounds of Schedule VI, drug marijuana (fine not greater than \$2,500)

- 39-17-417(h) Manufacture, delivery, sale or possession of Schedule VII drug (fine not greater than \$1,000)
- 39-17-418(e) Simple possession or casual exchange (3rd offense)
- 39-17-422(c) Selling glue for unlawful purposes
- 39-17-423(c) Counterfeit controlled substance and
- 39-17-425(b)(1), (2), (3) Unlawful drug paraphernalia uses and activities

A Class D Felony committed on or after November 1, 1989, may be expunged if it appears in the below list. *(If the conviction is for a Class D Felony committed after November 1, 1989, and is not on this list, it cannot be expunged).*

- 39-14-103 Theft of property
- 39-14-104 Theft of services
- 39-14-112 Extortion
- 39-14-114 Forgery
- 39-14-115 Criminal simulation
- 39-14-118 Illegal possession or fraudulent use of a credit card or debit card
- 39-14-121 Worthless checks
- 39-14-130 Destruction of valuable papers
- 39-14-133 False or fraudulent insurance claims
- 39-14-137 Fraudulent qualifying for set-aside programs
- 39-14-138 Theft of trade secrets
- 39-14-139 Sale of recorded live performances without consent
- 39-14-147 Fraudulent transfer of motor vehicle valued at twenty thousand (\$20,000) or more
- 39-14-149 Communication theft
- 39-14-150(b) Identity theft
- 39-14-152 Use of a counterfeit mark or logo
- 39-14-154 Home improvement fraud
- 39-14-402 or 39-13-1002 (as applicable) Burglary-other than habitation or automobile
- 39-14-408 Vandalism
- 39-14-602(a)-(c) Violation of Tennessee Personal and Commercial Computer Act
- 39-14-603 Unsolicited bulk electronic mail
- 39-16-502(a)(1) or (a)(2) False report to law enforcement not involving bomb, fire, or emergency
- 39-17-417(d) Manufacture, deliver, sale, or possession of Schedule III drug (fine not greater than fifty thousand dollars (\$50,000))
- 39-17-417(e) Manufacture, deliver, sale, or possession of Schedule IV drug (fine not greater than fifty thousand dollars (\$50,000))
- 39-17-417(g)(2) Manufacture, deliver, sale, or possession of Schedule VI drug (fine not greater than fifty thousand dollars (\$50,000))
- 39-17-430 Prescribing or selling steroid for unlawful purpose
- 39-17-433 Promoting manufacture of methamphetamine
- 39-17-438 Produce, manufacture, delivery, sale, or possession of hallucinogenic plant *Salvia Divinorum* or the synthetic cannabinoids (first violation)
- 39-17-454(c) Manufacture, deliver, dispense, sell, or possess with intent to manufacture, deliver, dispense, or sell a controlled substance analogue (first violation)
- 39-17-607(a) Making counterfeit or altering lottery ticket (fine not greater than fifty thousand dollars (\$50,000))
- 39-17-608 Making material false statement on lottery application or record
- 39-17-654(c) Unauthorized person conducting charitable gaming event and
- 53-11-402(a)(3) Drug fraud.

A Class C Felony committed on or after November 1, 1989, may be expunged if it appears in the below list. *(If the conviction is for a Class C Felony committed after November 1, 1989, and is not on this list, it cannot be expunged).*

- 39-14-103 Theft of property
- 39-14-104 Theft of services
- 39-14-114 Forgery
- 39-14-115 Criminal simulation
- 39-14-118 Illegal possession or fraudulent use of a credit card or debit card
- 39-14-121 Worthless checks
- 39-14-130 Destruction of valuable papers
- 39-14-133 False or fraudulent insurance claims
- 39-14-137 Fraudulent qualifying for set-aside programs
- 39-14-138 Theft of trade secrets
- 39-14-139 Sale of recorded live performances without consent
- 39-14-149 Communication theft
- 39-14-150(c) Identity theft trafficking
- 39-14-152 Use of a counterfeit mark or logo
- 39-14-154 Home improvement fraud
- 39-14-408 Vandalism
- 39-14-602(b)(5) Violation of Tennessee Personal and Commercial Computer Act
- 39-14-603 Unsolicited bulk electronic mail
- 39-14-804 Theft of animal from or damage to an animal facility
- 39-17-417(c) Manufacture, deliver, sale, or possession of Schedule II drug, including cocaine or methamphetamine in an amount less than point five (0.5) grams (fine not greater than one hundred thousand dollars (\$100,000))
- 39-17-417(e) Manufacture, deliver, sale, or possession of Schedule IV drug (fine not greater than one hundred thousand dollars (\$100,000))
- 39-17-417(g)(3) Manufacture, delivery, sale, or possession of Schedule VI drug (fine not greater than one hundred thousand dollars (\$100,000))
- 39-17-454(c) Manufacture, delivery, dispense, or sale or possession with intent to manufacture, deliver, dispense or sale of a controlled substance analogue (second or subsequent violation) and
- 39-17-607(b) Influencing or attempting to influence lottery.

A person is not an eligible petitioner if the person was convicted of an offense involving the manufacture, delivery, sale, or possession of a controlled substance and at the time of the offense the person held:

- (A) A commercial driver license, as defined in 55-50-102, and the offense was committed within a motor vehicle, as defined in 55-50-102; or**
- (B) Any driver license and the offense was committed within a commercial motor vehicle, as defined by 55-50-102.**

OFFENSE COMMITTED BEFORE NOVEMBER 1, 1989

If the conviction is for an offense committed before November 1, 1989, all the below criteria must be met:

1. The sentence was either a determinate sentence, of three (3) years or less OR sentenced to an indeterminate sentence for which the person served three (3) years or less
2. The convicted person never had a previous conviction expunged as the result of the successful completion of a diversion program pursuant to §§ 40-15-102—40-15-106 or § 40-35-313
3. The convicted offense did not have as an element the use, attempted use, or threatened use of physical force against the person of another
4. The convicted offense did not involve, by its nature, a substantial risk that physical force against the person of another would be used in the course of committing the offense
5. The convicted offense did not involve the use or possession of a deadly weapon
6. The convicted offense was not a sex offense for which the offender is required to register as a sexual offender or violent sexual offender under chapter 39 part 2; or any sex offense involving a minor
7. The convicted offense did not result in the death, serious bodily injury or bodily injury to a person
8. The convicted offense did not involve the use of alcohol or drugs and a motor vehicle
9. The convicted offense did not involve the sale or distribution of a Schedule I, II, III or IV controlled substance
10. The convicted offense did not involve a minor as the victim of the offense or
11. The convicted offense did not result in causing the victim or victims to sustain a loss of fifty thousand dollars (\$50,000) or more.

IN THE COURT OF MONTGOMERY COUNTY, TENNESSEE
DIVISION

STATE OF TENNESSEE	)	Circuit Court Case # _____
	)	Charge(s) _____
	)	Date of Arrest _____
	)	Arresting Agency _____
)	
Vs	)	Circuit Court Case # _____
	)	Charge(s) _____
	)	Date of Arrest _____
_____	)	Arresting Agency _____
)	
	)	or
)	
	)	General Sessions Case # _____
Race _____ Sex _____	)	Charge(s) _____
Date of Birth _____	)	Date of Arrest _____
SSN: _____	)	Arresting Agency _____
)	
	)	General Sessions Case # _____
	)	Charge(s) _____
	)	Date of Arrest _____
	)	Arresting Agency _____

PETITION TO EXPUNGE RECORDS OF CONVICTION(S)
PURSUANT TO T.C.A. § 40-32-101(g) or T.C.A. § 40-32-101(k)

Petitioner respectfully petitions this Honorable Court to order that all public records of the conviction(s) for charge(s) _____ under Case Number(s) _____ be expunged pursuant to T.C.A. § 40-32-101(g) or T.C.A. § 40-32-101(k) and in support would state to the Court as follows:

1. The statute authorizes the subject conviction(s) to be expunged.
2. Petitioner has no other conviction in this or any other jurisdiction other than the one(s) to be expunged. (If applicable, list other conviction being simultaneously

expunged: _____

3. At least five (5) or ten (10) years have elapsed since the completion of the sentence(s) imposed for the offense(s).
4. All fines, restitution, court costs, and other Court-ordered assessments have been paid.
5. All terms of imprisonment, probation, and parole have been completed.
6. All conditions of supervised or unsupervised release have been met.
7. If so required by the conditions of the sentence(s) imposed, Petitioner has remained free from dependency on or abuse of alcohol or a controlled substance or other prohibited substance for a period of not less than one (1) year.
8. Petitioner understands that the order granting Expungement does not reinstate his/her voting rights or other citizenship rights and that further action may be required to have any of those rights restored. Petitioner understands that the filing of the petition for Expungement does not guarantee that the petition will be granted by the Court.
9. Petitioner further 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 of this conviction (or these convictions) be expunged pursuant to T.C.A. § 40-32-101(g) or T.C.A. § 40-32-101(k).

Respectfully submitted,

PETITIONER'S SIGNATURE

PETITIONER'S MAILING ADDRESS:

