

ORDINANCE NO. BL2019-1517

An ordinance to authorize expungement of public records regarding violations of a metropolitan ordinance under certain circumstances.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 1.24.050 of the Metropolitan Code of Laws be deleted in its entirety and the following be substituted in lieu thereof:

1.24.050 - Expungement of public records regarding violations.

- A. When a person is charged with the violation of a metropolitan ordinance and it is determined not to prosecute the charge, or the charge is dismissed, either in the metropolitan general sessions court or on appeal, the court having jurisdiction of such previous action, upon petition of such person, may order that all public records concerning same shall be expunged.
- B. When a person pleads guilty to a violation of a metropolitan ordinance, the court having jurisdiction of such previous action, upon petition of such person, may order that all public records concerning same shall be expunged if:
 1. At the time of filing, the person has never been convicted of any criminal offense, including federal offenses and offenses in other states; provided, however, that any moving or non-moving traffic offense shall not be considered a criminal offense as used in this section;
 2. At the time of the filing of the petition for expungement, at least five (5) years have elapsed since the completion of the sentence imposed for the offense; and
 3. The person has fulfilled all the requirements of the sentence imposed by the court in which the individual was convicted of the offense, including:
 - a. Payment of all fines, restitution, court costs and other assessments;
 - b. Completion of any term of imprisonment or probation;
 - c. Meeting all conditions of supervised or unsupervised release; and
 - d. If so required by the conditions of the sentence imposed, remaining 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.
- C. The clerk of the court where such public records are recorded shall remove and expunge such public records within a period of sixty days from the entering of the expungement order.

Section 2. This ordinance shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

SPONSORED BY:

Colby Sledge
Member of Council