

By: Senator(s) Walls

To: Judiciary

SENATE BILL NO. 2597

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE EXPUNCTION OF A CRIMINAL RECORD; AND FOR RELATED
3 PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 99-19-71, Mississippi Code of 1972, is
6 amended as follows:

7 99-19-71. Any person who has been convicted of any
8 misdemeanor or felony other than a violation under Chapter 3 or 5
9 of Title 97, excluding a conviction for a traffic violation, which
10 offense was committed before the person reached his twenty-fifth
11 birthday, and who is a first offender, may petition the justice,
12 county, circuit or municipal court, as may be applicable, for an
13 order to expunge any such conviction from all public records.
14 Upon entering such order, a nonpublic record thereof shall be
15 retained by the court solely for the purpose of use by the court
16 in determining whether or not in subsequent proceedings such
17 person is a first offender. The effect of such order shall be to
18 restore such person, in the contemplation of the law, to the
19 status he occupied before such arrest. No person as to whom such
20 order has been entered shall be held thereafter under any
21 provision of law to be guilty of perjury or to have otherwise
22 given a false statement by reason of his failure to recite or
23 acknowledge such arrest or conviction in response to any inquiry
24 made of him for any purpose, except for the purpose of determining
25 in any subsequent proceedings under this section, whether such
26 person is a first offender. A justice, county, circuit or
27 municipal court may expunge the record of any case in which an

28 arrest was made, the person arrested was released and the case was
29 dismissed or the charges were dropped or there was no disposition
30 of such case.

31 SECTION 2. This act shall take effect and be in force from
32 and after July 1, 2001.