

By: Representatives Moak, Scott (80th)

To: Judiciary B

HOUSE BILL NO. 368

1 AN ACT TO AMEND SECTION 99-15-26, MISSISSIPPI CODE OF 1972,  
2 TO CLARIFY EXPUNCTION OF CASES IN WHICH COURT-IMPOSED CONDITIONS  
3 ARE COMPLETED AND CASES WHICH ARE DISMISSED; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Section 99-15-26, Mississippi Code of 1972, is  
7 amended as follows:

8 99-15-26. (1) In all criminal cases, felony and  
9 misdemeanor, other than crimes against the person, the circuit or  
10 county court shall be empowered, upon the entry of a plea of  
11 guilty by a criminal defendant, to withhold acceptance of the plea  
12 and sentence thereon pending successful completion of such  
13 conditions as may be imposed by the court pursuant to subdivision  
14 (2) of this section. No person having previously qualified under  
15 the provisions of this section or having ever been convicted of a  
16 felony shall be eligible to qualify for release in accordance with  
17 this section. A person shall not be eligible to qualify for  
18 release in accordance with this section if such person has been  
19 charged (a) with an offense pertaining to the sale, barter,  
20 transfer, manufacture, distribution or dispensing of a controlled  
21 substance, or the possession with intent to sell, barter,  
22 transfer, manufacture, distribute or dispense a controlled  
23 substance, as provided in Section 41-29-139(a)(1), Mississippi  
24 Code of 1972, except for a charge under said provision when the  
25 controlled substance involved is one (1) ounce or less of  
26 marihuana; (b) with an offense pertaining to the possession of one  
27 (1) kilogram or more of marihuana as provided in Section



28 41-29-139(c)(2)(D), Mississippi Code of 1972; or (c) with an  
29 offense under the Mississippi Implied Consent Law.

30 (2) Conditions which the circuit or county court may impose  
31 under subdivision (1) of this section shall consist of:

32 (a) Reasonable restitution to the victim of the crime.

33 (b) Performance of not more than nine hundred sixty  
34 (960) hours of public service work approved by the court.

35 (c) Payment of a fine not to exceed the statutory  
36 limit.

37 (d) The court may, in its discretion, require the  
38 defendant to remain in the program subject to good behavior for a  
39 period of time not to exceed five (5) years.

40 (3) Upon successful completion of the court-imposed  
41 conditions permitted by subdivision (2) of this section, the court  
42 shall direct that the cause be dismissed and the case be closed,  
43 and the record expunged.

44 (4) The court shall expunge the record of any case in which  
45 an arrest was made, the person arrested was released and the case  
46 was dismissed or the charges were dropped or there was no  
47 disposition of such case.

48 (5) This section shall take effect and be in force from and  
49 after March 31, 1983.

50 **SECTION 2.** This act shall take effect and be in force from  
51 and after July 1, 2002.

