

By: Representatives Bailey, Scott (80th)

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1543

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT ALL PERSONS CONVICTED OF CERTAIN MISDEMEANORS
3 SHALL BE ELIGIBLE FOR EXPUNCTION; AND FOR RELATED 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 a
8 misdemeanor * * *, excluding a conviction for a traffic violation,
9 and who is a first offender, may petition, not less than one (1)
10 year after such conviction, the justice, county, circuit or
11 municipal court, as may be applicable, for an order to expunge any
12 such conviction from all public records. Upon entering such
13 order, a nonpublic record thereof shall be retained by the court
14 solely for the purpose of use by the court in determining whether
15 or not in subsequent proceedings such person is a first offender.
16 The effect of such order shall be to restore such person, in the
17 contemplation of the law, to the status he occupied before such
18 arrest. No person as to whom such order has been entered shall be
19 held thereafter under any provision of law to be guilty of perjury
20 or to have otherwise given a false statement by reason of his
21 failure to recite or acknowledge such arrest or conviction in
22 response to any inquiry made of him for any purpose, except for
23 the purpose of determining in any subsequent proceedings under
24 this section, whether such person is a first offender. A justice,
25 county, circuit or municipal court may expunge the record of any
26 case in which an arrest was made, the person arrested was released



27 and the case was dismissed or the charges were dropped or there
28 was no disposition of such case.

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

