

By: Senator(s) Frazier

To: Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2322

1 AN ACT TO PROVIDE MEANS FOR THE EXPUNCTION OF CRIMINAL
2 RECORDS BY THE COURT OF CONVICTION; AND FOR RELATED PURPOSES.

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

4 **SECTION 1. Motion for expunction.**

5 (1) (a) Any person who is a first offender may file a
6 motion for the expunction of all records and records of conviction
7 for a felony or misdemeanor by filing a motion in the court in
8 which the conviction took place; provided, that no person who has
9 been convicted of a crime of violence shall have his or her
10 records and records of conviction expunged.

11 (b) "Crime of violence" means homicide, robbery,
12 manslaughter, arson, burglary of a dwelling, aggravated assault,
13 kidnapping, felonious abuse of a vulnerable adult, any felony
14 conviction under an enhanced penalty, sale or manufacture of a
15 controlled substance under the Uniform Controlled Substance Law,
16 any sex offense requiring registration under Title 45, Chapter 33,
17 and domestic violence.

18 (2) A copy of the petition for expunction shall be served
19 upon the district attorney serving in the county in which the
20 court in which the petition is filed is located, whether for
21 felony or misdemeanor expunction.

22 (3) Subject to subsection (1) of this section, a person may
23 file a motion for the expunction of records relating to a
24 misdemeanor conviction after five (5) years from the date of the
25 completion of his or her sentence.

26 (4) Subject to subsection (1) of this section, a person may
27 file a motion for the expunction of records relating to a felony



28 conviction after ten (10) years from the date of the completion of
29 his or her sentence.

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

