

By: Representative Bailey

To: Judiciary B

HOUSE BILL NO. 873

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 the justice, county,
10 circuit or municipal court, as may be applicable, for an order to
11 expunge any such conviction from all public records. Upon
12 entering such order, a nonpublic record thereof shall be retained
13 by the court solely for the purpose of use by the court in
14 determining whether or not in subsequent proceedings such person
15 is a first offender. The effect of such order shall be to restore
16 such person, in the contemplation of the law, to the status he
17 occupied before such arrest. No person as to whom such order has
18 been entered shall be held thereafter under any provision of law
19 to be guilty of perjury or to have otherwise given a false
20 statement by reason of his failure to recite or acknowledge such
21 arrest or conviction in response to any inquiry made of him for
22 any purpose, except for the purpose of determining in any
23 subsequent proceedings under this section, whether such person is
24 a first offender. A justice, county, circuit or municipal court
25 may expunge the record of any case in which an arrest was made,
26 the person arrested was released and the case was dismissed or the
27 charges were dropped or there was no disposition of such case.



28 **SECTION 2.** This act shall take effect and be in force from
29 and after July 1, 2003.

