

By: Representative Taylor

To: Judiciary B

HOUSE BILL NO. 857

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A NONVIOLENT OFFENDER MAY PETITION THE SENTENCING
3 COURT TO HAVE HIS OR HER RECORD EXPUNGED AFTER THE OFFENDER HAS
4 COMPLETELY SERVED HIS OR HER SENTENCE AND HAS MET CERTAIN OTHER
5 REQUIREMENTS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 99-19-71, Mississippi Code of 1972, is
8 amended as follows:

9 99-19-71. (1) Any person (a) who has been convicted of a
10 misdemeanor, excluding a conviction for a traffic violation and
11 who is a first offender or (b) any person who has been convicted
12 of a nonviolent crime in any court and has been a productive
13 citizen for a minimum of five (5) years after the completion of
14 his or her sentence, may petition the justice, county, circuit or
15 municipal court, as may be applicable, for an order to expunge any
16 such conviction from all public records. For purposes of this
17 section "completion of his or her sentence" means that the
18 nonviolent offender is no longer housed in any correctional
19 facility or the State Penitentiary and is no longer under a
20 restitution obligation, probation or any other post-release
21 supervision. Upon entering such order, a nonpublic record thereof
22 shall be retained by the court and by the Mississippi Criminal
23 Information Center solely for the purpose of determining whether,
24 in subsequent proceedings, such person is a first offender. The
25 effect of such order shall be to restore such person, in the
26 contemplation of the law, to the status he occupied before such
27 arrest. No person as to whom such order has been entered shall be
28 held thereafter under any provision of law to be guilty of perjury

29 or to have otherwise given a false statement by reason of his
30 failure to recite or acknowledge such arrest or conviction in
31 response to any inquiry made of him for any purpose, except for
32 the purpose of determining in any subsequent proceedings under
33 this section, whether such person is a first offender.

34 (2) Upon petition therefor, a justice, county, circuit or
35 municipal court shall expunge the record of any case in which an
36 arrest was made, the person arrested was released and the case was
37 dismissed or the charges were dropped or there was no disposition
38 of such case.

39 **SECTION 2.** This act shall take effect and be in force from
40 and after July 1, 2004.