

By: Representative McBride

To: Judiciary B

HOUSE BILL NO. 987

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT NO EXPUNCTION MAY BE GRANTED FOR MISDEMEANOR
3 CRIMES AGAINST THE PERSON OR CRIMES AGAINST A CHILD; AND FOR
4 RELATED PURPOSES.

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

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

8 99-19-71. (1) Any person who has been convicted of a
9 misdemeanor, excluding those persons convicted of traffic
10 violations, any crimes against the person as set forth in Sections
11 97-3-1 through 97-3-117, or any crimes against a child as set
12 forth in Sections 97-5-1 through 97-5-41, and who is a first
13 offender, may petition the justice, county, circuit or municipal
14 court, as may be applicable, for an order to expunge any such
15 conviction from all public records. Upon entering such order, a
16 nonpublic record thereof shall be retained by the court and by the
17 Mississippi Criminal Information Center solely for the purpose of
18 determining whether, in subsequent proceedings, such person is a
19 first offender. The effect of such order shall be to restore such
20 person, in the contemplation of the law, to the status he occupied
21 before such arrest. No person as to whom such order has been
22 entered shall be held thereafter under any provision of law to be
23 guilty of perjury or to have otherwise given a false statement by
24 reason of his failure to recite or acknowledge such arrest or
25 conviction in response to any inquiry made of him for any purpose,
26 except for the purpose of determining in any subsequent
27 proceedings under this section, whether such person is a first
28 offender.

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

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