

By: Representative Holland

To: Judiciary A

HOUSE BILL NO. 762

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,
2 TO ALLOW THE EXPUNCTION OF CERTAIN NONVIOLENT FELONIES FOR FIRST
3 OFFENDERS; 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. (1) Any person who has been convicted of a felony
8 or misdemeanor, excluding a conviction for a traffic violation, a
9 crime of violence or a crime involving the use of a firearm, and
10 who is a first offender, may petition the justice, county, circuit
11 or municipal court, as may be applicable, for an order to expunge
12 any such conviction from all public records. Upon entering such
13 order, a nonpublic record thereof shall be retained by the court
14 and by the Mississippi Criminal Information Center solely for the
15 purpose of determining whether, in subsequent proceedings, such
16 person is a first offender. The effect of such order shall be to
17 restore such person, in the contemplation of the law, to the
18 status he occupied before such arrest. No person as to whom such
19 order has been entered shall be held thereafter under any
20 provision of law to be guilty of perjury or to have otherwise
21 given a false statement by reason of his failure to recite or
22 acknowledge such arrest or conviction in response to any inquiry
23 made of him for any purpose, except for the purpose of determining
24 in any subsequent proceedings under this section, whether such
25 person is a first offender.

26 (2) Upon petition therefor, a justice, county, circuit or
27 municipal court shall expunge the record of any case in which an

28 arrest was made, the person arrested was released and the case was
29 dismissed or the charges were dropped or there was no disposition
30 of such case.

31 **SECTION 2.** This act shall take effect and be in force from
32 and after July 1, 2007.