

By: Representatives Baker, Hines, Dixon

To: Judiciary A

HOUSE BILL NO. 1328

1 AN ACT TO AMEND SECTION 9-11-15, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THAT JUSTICE COURT JUDGES MAY EXPUNGE MISDEMEANOR  
3 CONVICTIONS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 9-11-15, Mississippi Code of 1972, is  
6 amended as follows:

7 9-11-15. (1) Justice court judges shall hold regular terms  
8 of their courts, at such times as they may appoint, not exceeding  
9 two (2) and not less than one (1) in every month, at the  
10 appropriate justice court courtroom established by the board of  
11 supervisors; and they may continue to hold their courts from day  
12 to day so long as business may require; and all process shall be  
13 returnable, and all trials shall take place at such regular terms,  
14 except where it is otherwise provided; but where the defendant is  
15 a nonresident or transient person, and it shall be shown by the  
16 oath of either party that a delay of the trial until the regular  
17 term will be of material injury to him, it shall be lawful for the  
18 judge to have the parties brought before him at any reasonable



19 time and hear the evidence and give judgment or where the  
20 defendant is a nonresident or transient person and the judge and  
21 all parties agree, it shall be lawful for the judge to have the  
22 parties brought before him on the day a citation is made and hear  
23 the evidence and give judgment. Such court shall be a court of  
24 record, with all the power incident to a court of record,  
25 including power to fine in the amount of fine and length of  
26 imprisonment as is authorized for a municipal court in Section  
27 21-23-7(11) for contempt of court.

28 (2) (a) In counties with a population of less than one  
29 hundred fifty thousand (150,000), each justice court shall  
30 designate at least one-half (1/2) day each month as a traffic  
31 court day, sufficient to handle the traffic violations docket of  
32 that court, and shall notify all appropriate law enforcement  
33 agencies of the date or dates. On the day or days so designated,  
34 the justice court shall give priority to all cases involving  
35 traffic violations.

36 (b) In counties with a population of one hundred fifty  
37 thousand (150,000) or more, each justice court shall designate at  
38 least one (1) day each month as a traffic court day, sufficient to  
39 handle the traffic violations of that court, and shall notify all  
40 appropriate law enforcement agencies of the date or dates. On the  
41 day or days so designated, the justice court shall give priority  
42 to all cases involving traffic violations. The one (1) day may be  
43 one (1) whole day or it may be divided into half days as long as



44 one-half (1/2) day is held in the morning and one-half (1/2) day  
45 is held in the afternoon, in the discretion of the court.

46 (3) The Justice Court may, in its discretion, upon prior  
47 notice to the county prosecutor and upon a showing in open court  
48 of rehabilitation, good conduct for a period of two (2) years  
49 since the last conviction in any court and that the best interest  
50 of society would be served, order the record of conviction of a  
51 person of any or all misdemeanors in that court expunged, and upon  
52 so doing, such person thereafter legally stands as though he or  
53 she had never been convicted of the misdemeanor(s) and may  
54 lawfully respond to any query of prior convictions. This order  
55 of expunction does not apply to the confidential records of law  
56 enforcement agencies and has no effect on the driving record of a  
57 person maintained under Title 63, Mississippi Code of 1972, or any  
58 other provision of said Title 63.

59 (4) Notwithstanding the provisions of subsection (3) of this  
60 section, a person who was convicted in justice court of a  
61 misdemeanor before reaching his twenty-third birthday, excluding  
62 conviction for a traffic violation, and who is a first offender,  
63 may utilize the provisions of Section 99-19-71, to expunge such  
64 misdemeanor conviction.

65 **SECTION 2.** This act shall take effect and be in force from  
66 and after July 1, 2016.

