

By: Representative White

To: Judiciary B

HOUSE BILL NO. 999

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE TYPE OF CRIMES THAT ARE ELIGIBLE FOR EXPUNGEMENT;
3 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
8 misdemeanor that is not a traffic violation, and who is a first
9 offender, may petition the justice, county, circuit or municipal
10 court in which the conviction was had for an order to expunge any
11 such conviction from all public records.

12 (2) * * * Any person * * * may petition the court in which
13 the conviction was had for an order to expunge one (1) conviction
14 from all public records * * * after the successful completion of
15 all terms and conditions of the sentence for the conviction;
16 however, eligibility for expunction shall not apply to a felony
17 classified as a crime of violence under Section 97-3-2 * * *. A
18 person is eligible for only one (1) felony expunction under this



19 paragraph. For purposes of this section, the terms "one (1)
20 conviction" and "one (1) felony expunction" shall include any
21 convictions that arose from a common nucleus of operative facts in
22 the discretion of the court.

23 (* * *b) The petitioner shall give ten (10) days'
24 written notice to the district attorney before any hearing on the
25 petition. In all cases, the court wherein the petition is filed
26 may grant the petition if the court determines, on the record or
27 in writing, that the applicant is rehabilitated from the offense
28 which is the subject of the petition. In those cases where the
29 court denies the petition, the findings of the court in this
30 respect shall be identified specifically and not generally.

31 (3) Upon entering an order of expunction under this section,
32 a nonpublic record thereof shall be retained by the Mississippi
33 Criminal Information Center solely for the purpose of determining
34 whether, in subsequent proceedings, the person is a first
35 offender. The order of expunction shall not preclude a district
36 attorney's office from retaining a nonpublic record thereof for
37 law enforcement purposes only. The existence of an order of
38 expunction shall not preclude an employer from asking a
39 prospective employee if the employee has had an order of
40 expunction entered on his behalf. The effect of the expunction
41 order shall be to restore the person, in the contemplation of the
42 law, to the status he occupied before any arrest or indictment for
43 which convicted. No person as to whom an expunction order has



44 been entered shall be held thereafter under any provision of law
45 to be guilty of perjury or to have otherwise given a false
46 statement by reason of his failure to recite or acknowledge such
47 arrest, indictment or conviction in response to any inquiry made
48 of him for any purpose other than the purpose of determining, in
49 any subsequent proceedings under this section, whether the person
50 is a first offender. A person as to whom an order has been
51 entered, upon request, shall be required to advise the court, in
52 camera, of the previous conviction and expunction in any legal
53 proceeding wherein the person has been called as a prospective
54 juror. The court shall thereafter and before the selection of the
55 jury advise the attorneys representing the parties of the previous
56 conviction and expunction.

57 (4) Upon petition therefor, a justice, county, circuit or
58 municipal court shall expunge the record of any case in which an
59 arrest was made, the person arrested was released and the case was
60 dismissed or the charges were dropped or there was no disposition
61 of such case.

62 (5) No public official is eligible for expunction under this
63 section for any conviction related to his official duties.

64 **SECTION 2.** This act shall take effect and be in force from
65 and after July 1, 2018.

