

By: Representative Dixon

To: Judiciary B

HOUSE BILL NO. 953

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE EXPUNGEMENT OF NO MORE THAN TWO CONVICTIONS; AND FOR
3 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) (a) Any person who has been convicted of one (1) of the
13 following felonies may petition the court in which the conviction
14 was had for an order to expunge * * * no more than two (2)
15 convictions from all public records five (5) years after the
16 successful completion of all terms and conditions of the sentence
17 for the conviction: a bad check offense under Section 97-19-55;
18 possession of a controlled substance or paraphernalia under



19 Section 41-29-139(c) or (d); false pretense under Section
20 97-19-39; larceny under Section 97-17-41; malicious mischief under
21 Section 97-17-67; or shoplifting under Section 97-23-93. A person
22 is eligible for * * * no more than two (2) felony expunctions
23 under this paragraph.

24 (b) Any person who was under the age of twenty-one (21)
25 years when he committed a felony may petition the court in which
26 the conviction was had for an order to expunge * * * no more than
27 two (2) convictions from all public records five (5) years after
28 the successful completion of all terms and conditions of the
29 sentence for the conviction; however, eligibility for expunction
30 shall not apply to a felony classified as a crime of violence
31 under Section 97-3-2 and any felony that, in the determination of
32 the circuit court, is related to the distribution of a controlled
33 substance and in the court's discretion it should not be expunged.
34 A person is eligible for * * * no more than two (2) felony
35 expunctions under this paragraph.

36 (c) The petitioner shall give ten (10) days' written
37 notice to the district attorney before any hearing on the
38 petition. In all cases, the court wherein the petition is filed
39 may grant the petition if the court determines, on the record or
40 in writing, that the applicant is rehabilitated from the offense
41 which is the subject of the petition. In those cases where the
42 court denies the petition, the findings of the court in this
43 respect shall be identified specifically and not generally.



44 (3) Upon entering an order of expunction under this section,
45 a nonpublic record thereof shall be retained by the Mississippi
46 Criminal Information Center solely for the purpose of determining
47 whether, in subsequent proceedings, the person is a first
48 offender. The order of expunction shall not preclude a district
49 attorney's office from retaining a nonpublic record thereof for
50 law enforcement purposes only. The existence of an order of
51 expunction shall not preclude an employer from asking a
52 prospective employee if the employee has had an order of
53 expunction entered on his behalf. The effect of the expunction
54 order shall be to restore the person, in the contemplation of the
55 law, to the status he occupied before any arrest or indictment for
56 which convicted. No person as to whom an expunction order has
57 been entered shall be held thereafter under any provision of law
58 to be guilty of perjury or to have otherwise given a false
59 statement by reason of his failure to recite or acknowledge such
60 arrest, indictment or conviction in response to any inquiry made
61 of him for any purpose other than the purpose of determining, in
62 any subsequent proceedings under this section, whether the person
63 is a first offender. A person as to whom an order has been
64 entered, upon request, shall be required to advise the court, in
65 camera, of the previous conviction and expunction in any legal
66 proceeding wherein the person has been called as a prospective
67 juror. The court shall thereafter and before the selection of the



68 jury advise the attorneys representing the parties of the previous
69 conviction and expunction.

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

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

77 **SECTION 2.** This act shall take effect and be in force from
78 and after July 1, 2019.

