

By: Representatives Sanford, Karriem,  
Anthony

To: Judiciary B

HOUSE BILL NO. 658  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE NUMBER OF FELONY CONVICTIONS ELIGIBLE FOR  
3 EXPUNGEMENT; 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) **Misdemeanors.** Any person who has been  
8 convicted of a misdemeanor that is not a traffic violation,  
9 whether after a trial or after entry of a plea, and who is a first  
10 offender, may petition the \* \* \* court in which the conviction was  
11 had for an order to expunge any such conviction from all public  
12 records.

13 (2) **Felonies.** (a) Except as otherwise provided in this  
14 subsection, a person who has been convicted of a felony and who  
15 has paid all criminal fines and costs of court imposed in the  
16 sentence of conviction may petition the court in which the  
17 conviction was had for an order to expunge \* \* \* any such  
18 conviction from all public records five (5) years after the



19 successful completion of all terms and conditions of the sentence  
20 for the conviction upon a hearing as determined in the discretion  
21 of the court; however, a person is not eligible to expunge a  
22 felony classified as:

23 (i) A crime of violence as provided in  
24 Section 97-3-2;

25 (ii) Arson, first degree as provided in  
26 Sections 97-17-1 and 97-17-3;

27 (iii) Trafficking in controlled substances as  
28 provided in Section 41-29-139;

29 (iv) A third, fourth or subsequent offense  
30 DUI as provided in Section 63-11-30(2)(c) and (2)(d);

31 (v) Felon in possession of a firearm as  
32 provided in Section 97-37-5;

33 (vi) Failure to register as a sex offender as  
34 provided in Section 45-33-33;

35 (vii) Voyeurism as provided in Section  
36 97-29-61;

37 (viii) Witness intimidation as provided in  
38 Section 97-9-113;

39 (ix) Abuse, neglect or exploitation of a  
40 vulnerable person as provided in Section 43-47-19; or

41 (x) Embezzlement as provided in Sections  
42 97-11-25 and 97-23-19.



43           A person \* \* \* shall be eligible for \* \* \* no more than three  
44 (3) felony expunctions under this paragraph. For the purposes of  
45 this section, the terms "one (1) conviction" and "one (1) felony  
46 expunction" mean and include all convictions that arose from a  
47 common nucleus of operative facts as determined in the discretion  
48 of the court.

49           (b) The petitioner shall give ten (10) days' written  
50 notice to the district attorney before any hearing on the  
51 petition. In all cases, the court wherein the petition is filed  
52 may grant the petition if the court determines, on the record or  
53 in writing, that the applicant is rehabilitated from the offense  
54 which is the subject of the petition. In those cases where the  
55 court denies the petition, the findings of the court in this  
56 respect shall be identified specifically and not generally.

57           (3) Upon entering an order of expunction under this section,  
58 a nonpublic record thereof shall be retained by the Mississippi  
59 Criminal Information Center solely for the purpose of determining  
60 whether, in subsequent proceedings, the person is a first  
61 offender. The order of expunction shall not preclude a district  
62 attorney's office from retaining a nonpublic record thereof for  
63 law enforcement purposes only. The existence of an order of  
64 expunction shall not preclude an employer from asking a  
65 prospective employee if the employee has had an order of  
66 expunction entered on his behalf. The effect of the expunction  
67 order shall be to restore the person, in the contemplation of the



68 law, to the status he occupied before any arrest or indictment for  
69 which convicted. No person as to whom an expunction order has  
70 been entered shall be held thereafter under any provision of law  
71 to be guilty of perjury or to have otherwise given a false  
72 statement by reason of his failure to recite or acknowledge such  
73 arrest, indictment or conviction in response to any inquiry made  
74 of him for any purpose other than the purpose of determining, in  
75 any subsequent proceedings under this section, whether the person  
76 is a first offender. A person as to whom an order has been  
77 entered, upon request, shall be required to advise the court, in  
78 camera, of the previous conviction and expunction in any legal  
79 proceeding wherein the person has been called as a prospective  
80 juror. The court shall thereafter and before the selection of the  
81 jury advise the attorneys representing the parties of the previous  
82 conviction and expunction.

83 (4) Upon petition therefor, a justice, county, circuit or  
84 municipal court shall expunge the record of any case in which an  
85 arrest was made, the person arrested was released and the case was  
86 dismissed or the charges were dropped or there was no disposition  
87 of such case, or the person was found not guilty at trial.

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

90 (6) This section applies to all convictions not excluded  
91 from eligibility whether entered before, on, or after the  
92 effective date of this act.



93           **SECTION 2.** This act shall take effect and be in force from  
94 and after July 1, 2020.

