

By: Representative Bain

To: Judiciary B

HOUSE BILL NO. 622

1 AN ACT TO REQUIRE ANY COURT IN WHICH AN ARREST WAS MADE, THE
 2 PERSON ARRESTED WAS RELEASED AND THE CASE WAS DISMISSED OR THE
 3 CHARGES WERE DROPPED, THERE WAS NO DISPOSITION OF SUCH CASE, OR
 4 THE PERSON WAS FOUND NOT GUILTY AT TRIAL TO EXPUNGE THE RECORD OF
 5 SUCH PERSON OF ALL OFFICIAL PUBLIC RECORDS, ALL RECORDATION
 6 RELATING TO AN ARREST, INDICTMENT, TRIAL, FINDING OF GUILTY AND
 7 SENTENCE OF ANY CASE; TO PROVIDE THAT THE EFFECT OF SUCH ORDER
 8 SHALL BE TO RESTORE SUCH PERSON, IN THE CONTEMPLATION OF THE LAW,
 9 TO THE STATUS HE OR SHE OCCUPIED BEFORE SUCH ARREST OR INDICTMENT;
 10 TO AMEND SECTIONS 9-23-23, 99-15-59, 99-15-57, 99-15-123,
 11 99-15-26, 41-29-150, 9-11-15 AND 21-23-7, MISSISSIPPI CODE OF
 12 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED
 13 PURPOSES.

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

15 **SECTION 1.** Any court in which an arrest was made, the person
 16 arrested was released and the case was dismissed or the charges
 17 were dropped, there was no disposition of such case, or the person
 18 was found not guilty at trial shall automatically expunge, without
 19 requirement of a petition from the person, all official public
 20 records and recordation relating to the arrest, indictment, trial,
 21 finding of guilty and sentence of any case from. The effect of
 22 such order shall be to restore such person, in the contemplation



23 of the law, to the status he or she occupied before such arrest or
24 indictment.

25 **SECTION 2.** Section 9-23-23, Mississippi Code of 1972, is
26 amended as follows:

27 9-23-23. If the participant completes all requirements
28 imposed upon him by the intervention court, including the payment
29 of fines and fees assessed and not waived by the court, the charge
30 and prosecution shall be dismissed. If the defendant or
31 participant was sentenced at the time of entry of plea of guilty,
32 the successful completion of the intervention court order and
33 other requirements of probation or suspension of sentence will
34 result in the record of the criminal conviction or adjudication
35 being expunged by the court with jurisdiction over the matter.
36 However, no expunction of any implied consent violation shall be
37 allowed.

38 **SECTION 3.** Section 99-15-59, Mississippi Code of 1972, is
39 amended as follows:

40 99-15-59. Any person who is arrested, issued a citation, or
41 held for any misdemeanor and not formally charged or prosecuted
42 with an offense within twelve (12) months of arrest, or upon
43 dismissal of the charge * * * shall have the charges expunged by
44 the court with jurisdiction over the matter * * *.

45 **SECTION 4.** Section 99-15-57, Mississippi Code of 1972, is
46 amended as follows:

47 99-15-57. * * *



48 * * * The court shall expunge the record of all official
49 public records, all recordation relating to an arrest, indictment,
50 trial, finding of guilty and sentence of any case in which an
51 arrest was made, the person arrested was released and the case was
52 dismissed or the charges were dropped, there was no disposition of
53 such case, or the person was found not guilty at trial. The
54 effect of such order shall be to restore such person, in the
55 contemplation of the law, to the status he occupied before such
56 arrest or indictment.

57 **SECTION 5.** Section 99-15-123, Mississippi Code of 1972, is
58 amended as follows:

59 99-15-123. (1) In the event an offender successfully
60 completes a pretrial intervention program, the court shall make a
61 noncriminal disposition of the charge or charges pending against
62 the offender.

63 (2) In the event the offender violates the conditions of the
64 program agreement: (a) the district attorney may terminate the
65 offender's participation in the program, (b) the waiver executed
66 pursuant to Section 99-15-115 shall be void on the date the
67 offender is removed from the program for the violation, and (c)
68 the prosecution of pending criminal charges against the offender
69 shall be resumed by the district attorney.

70 (3) * * * The court shall expunge the record of any case in
71 which an arrest was made, the person arrested was released and the



72 case was dismissed or the charges were dropped or there was no
73 disposition of such case.

74 **SECTION 6.** Section 99-15-26, Mississippi Code of 1972, is
75 amended as follows:

76 99-15-26. (1) (a) In all criminal cases, felony and
77 misdemeanor, other than crimes against the person, a crime of
78 violence as defined in Section 97-3-2, a violation of Section
79 97-11-31, or crimes in which a person unlawfully takes, obtains or
80 misappropriates funds received by or entrusted to the person by
81 virtue of his or her public office or employment, the circuit or
82 county court shall be empowered, upon the entry of a plea of
83 guilty by a criminal defendant made on or after July 1, 2014, to
84 withhold acceptance of the plea and sentence thereon pending
85 successful completion of such conditions as may be imposed by the
86 court pursuant to subsection (2) of this section.

87 (b) In all misdemeanor criminal cases, other than
88 crimes against the person, the justice or municipal court shall be
89 empowered, upon the entry of a plea of guilty by a criminal
90 defendant, to withhold acceptance of the plea and sentence thereon
91 pending successful completion of such conditions as may be imposed
92 by the court pursuant to subsection (2) of this section.

93 (c) Notwithstanding paragraph (a) of this subsection
94 (1), in all criminal cases charging a misdemeanor of domestic
95 violence as defined in Section 99-3-7(5), a circuit, county,
96 justice or municipal court shall be empowered, upon the entry of a



97 plea of guilty by the criminal defendant, to withhold acceptance
98 of the plea and sentence thereon pending successful completion of
99 such conditions as may be imposed by the court pursuant to
100 subsection (2) of this section.

101 (d) No person having previously qualified under the
102 provisions of this section shall be eligible to qualify for
103 release in accordance with this section for a repeat offense. A
104 person shall not be eligible to qualify for release in accordance
105 with this section if charged with the offense of trafficking of a
106 controlled substance as provided in Section 41-29-139(f) or if
107 charged with an offense under the Mississippi Implied Consent Law.
108 Violations under the Mississippi Implied Consent Law can only be
109 nonadjudicated under the provisions of Section 63-11-30.

110 (2) (a) Conditions which the circuit, county, justice or
111 municipal court may impose under subsection (1) of this section
112 shall consist of:

113 (i) Reasonable restitution to the victim of the
114 crime.

115 (ii) Performance of not more than nine hundred
116 sixty (960) hours of public service work approved by the court.

117 (iii) Payment of a fine not to exceed the
118 statutory limit.

119 (iv) Successful completion of drug, alcohol,
120 psychological or psychiatric treatment, successful completion of a
121 program designed to bring about the cessation of domestic abuse,



122 or any combination thereof, if the court deems treatment
123 necessary.

124 (v) The circuit or county court, in its
125 discretion, may require the defendant to remain in the program
126 subject to good behavior for a period of time not to exceed five
127 (5) years. The justice or municipal court, in its discretion, may
128 require the defendant to remain in the program subject to good
129 behavior for a period of time not to exceed two (2) years.

130 (b) Conditions which the circuit or county court may
131 impose under subsection (1) of this section also include
132 successful completion of an effective evidence-based program or a
133 properly controlled pilot study designed to contribute to the
134 evidence-based research literature on programs targeted at
135 reducing recidivism. Such program or pilot study may be community
136 based or institutionally based and should address risk factors
137 identified in a formal assessment of the offender's risks and
138 needs.

139 (3) When the court has imposed upon the defendant the
140 conditions set out in this section, the court shall release the
141 bail bond, if any.

142 (4) Upon successful completion of the court-imposed
143 conditions permitted by subsection (2) of this section, the court
144 shall direct that the cause be dismissed and the case be closed.

145 (5) * * * The court shall expunge the record of any case in
146 which an arrest was made, the person arrested was released and the



147 case was dismissed or the charges were dropped, there was no
148 disposition of such case, or the person was found not guilty at
149 trial.

150 **SECTION 7.** Section 41-29-150, Mississippi Code of 1972, is
151 amended as follows:

152 41-29-150. (a) Any person convicted under Section 41-29-139
153 may be required, in the discretion of the court, as a part of the
154 sentence otherwise imposed, or in lieu of imprisonment in cases of
155 probation or suspension of sentence, to attend a course of
156 instruction conducted by the bureau, the State Board of Health, or
157 any similar agency, on the effects, medically, psychologically and
158 socially, of the misuse of controlled substances. The course may
159 be conducted at any correctional institution, detention center or
160 hospital, or at any center or treatment facility established for
161 the purpose of education and rehabilitation of those persons
162 committed because of abuse of controlled substances.

163 (b) Any person convicted under Section 41-29-139 who is
164 found to be dependent upon or addicted to any controlled substance
165 shall be required, as a part of the sentence otherwise imposed, or
166 in lieu of imprisonment in cases of parole, probation or
167 suspension of sentence, to receive medical treatment for such
168 dependency or addiction. The regimen of medical treatment may
169 include confinement in a medical facility of any correctional
170 institution, detention center or hospital, or at any center or



171 facility established for treatment of those persons committed
172 because of a dependence or addiction to controlled substances.

173 (c) Those persons previously convicted of a felony under
174 Section 41-29-139 and who are now confined at the Mississippi
175 State Hospital at Whitfield, Mississippi, or at the East
176 Mississippi State Hospital at Meridian, Mississippi, for the term
177 of their sentence shall remain under the jurisdiction of the
178 Mississippi Department of Corrections and shall be required to
179 abide by all reasonable rules and regulations promulgated by the
180 director and staff of said institutions and of the Department of
181 Corrections. Any persons so confined who shall refuse to abide by
182 said rules or who attempt an escape or who shall escape shall be
183 transferred to the State Penitentiary or to a county jail, where
184 appropriate, to serve the remainder of the term of imprisonment;
185 this provision shall not preclude prosecution and conviction for
186 escape from said institutions.

187 (d) (1) If any person who has not previously been convicted
188 of violating Section 41-29-139, or the laws of the United States
189 or of another state relating to narcotic drugs, stimulant or
190 depressant substances, other controlled substances or marihuana is
191 found to be guilty of a violation of subsection (c) or (d) of
192 Section 41-29-139, after trial or upon a plea of guilty, the court
193 may, without entering a judgment of guilty and with the consent of
194 such person, defer further proceedings and place him on probation
195 upon such reasonable conditions as it may require and for such



196 period, not to exceed three (3) years, as the court may prescribe.
197 Upon violation of a condition of the probation, the court may
198 enter an adjudication of guilt and proceed as otherwise provided.
199 The court may, in its discretion, dismiss the proceedings against
200 such person and discharge him from probation before the expiration
201 of the maximum period prescribed for such person's probation. If
202 during the period of his probation such person does not violate
203 any of the conditions of the probation, then upon expiration of
204 such period the court shall discharge such person * * *, dismiss
205 the proceedings against him or her and expunge his or her record
206 of all recordation relating to his arrest, indictment, trial,
207 finding of guilt, and dismissal and discharge pursuant to this
208 section. Discharge and dismissal under this subsection shall be
209 without court adjudication of guilt, but a nonpublic record
210 thereof shall be retained by the bureau solely for the purpose of
211 use by the courts in determining whether or not, in subsequent
212 proceedings, such person qualifies under this subsection. Such
213 discharge or dismissal shall not be deemed a conviction for
214 purposes of disqualifications or disabilities imposed by law upon
215 conviction of a crime, including the penalties prescribed under
216 this article for second or subsequent conviction, or for any other
217 purpose. Discharge and dismissal under this subsection may occur
218 only once with respect to any person; and

219 (2) Upon the dismissal of a person and discharge of
220 proceedings against him under paragraph (1) of this



221 subsection, * * * the court * * * shall expunge from all official
222 records, other than the nonpublic records to be retained by the
223 bureau under paragraph (1) of this subsection, all recordation
224 relating to his arrest, indictment, trial, finding of guilt, and
225 dismissal and discharge pursuant to this section. * * * The
226 effect of the order shall be to restore the person, in the
227 contemplation of the law, to the status he occupied before such
228 arrest or indictment. No person as to whom such an order has been
229 entered shall be held thereafter under any provision of any law to
230 be guilty of perjury or otherwise giving a false statement by
231 reason of his failures to recite or acknowledge such arrest,
232 indictment or trial in response to any inquiry made of him for any
233 purpose. A person as to whom an order has been entered, upon
234 request, shall be required to advise the court, in camera, of the
235 previous conviction and expunction in any legal proceeding wherein
236 the person has been called as a prospective juror. The court
237 shall thereafter and before the selection of the jury advise the
238 attorneys representing the parties of the previous conviction and
239 expunction.

240 (e) Every person who has been or may hereafter be convicted
241 of a felony offense under Section 41-29-139 and sentenced under
242 Section 41-29-150(c) shall be under the jurisdiction of the
243 Mississippi Department of Corrections.

244 (f) It shall be unlawful for any person confined under the
245 provisions of subsection (b) or (c) of this section to escape or



246 attempt to escape from said institution, and, upon conviction,
247 said person shall be guilty of a felony and shall be imprisoned
248 for a term not to exceed two (2) years.

249 (g) It is the intent and purpose of the Legislature to
250 promote the rehabilitation of persons convicted of offenses under
251 the Uniform Controlled Substances Law.

252 **SECTION 8.** Section 9-11-15, Mississippi Code of 1972, is
253 amended as follows:

254 9-11-15. (1) Justice court judges shall hold regular terms
255 of their courts, at such times as they may appoint, not exceeding
256 two (2) and not less than one (1) in every month, at the
257 appropriate justice court courtroom established by the board of
258 supervisors; and they may continue to hold their courts from day
259 to day so long as business may require; and all process shall be
260 returnable, and all trials shall take place at such regular terms,
261 except where it is otherwise provided; but where the defendant is
262 a nonresident or transient person, and it shall be shown by the
263 oath of either party that a delay of the trial until the regular
264 term will be of material injury to him, it shall be lawful for the
265 judge to have the parties brought before him at any reasonable
266 time and hear the evidence and give judgment or where the
267 defendant is a nonresident or transient person and the judge and
268 all parties agree, it shall be lawful for the judge to have the
269 parties brought before him on the day a citation is made and hear
270 the evidence and give judgment. Such court shall be a court of



271 record, with all the power incident to a court of record,
272 including power to fine in the amount of fine and length of
273 imprisonment as is authorized for a municipal court in Section
274 21-23-7(11) for contempt of court.

275 (2) (a) In counties with a population of less than one
276 hundred fifty thousand (150,000), each justice court shall
277 designate at least one-half (1/2) day each month as a traffic
278 court day, sufficient to handle the traffic violations docket of
279 that court, and shall notify all appropriate law enforcement
280 agencies of the date or dates. On the day or days so designated,
281 the justice court shall give priority to all cases involving
282 traffic violations.

283 (b) In counties with a population of one hundred fifty
284 thousand (150,000) or more, each justice court shall designate at
285 least one (1) day each month as a traffic court day, sufficient to
286 handle the traffic violations of that court, and shall notify all
287 appropriate law enforcement agencies of the date or dates. On the
288 day or days so designated, the justice court shall give priority
289 to all cases involving traffic violations. The one (1) day may be
290 one (1) whole day or it may be divided into half days as long as
291 one-half (1/2) day is held in the morning and one-half (1/2) day
292 is held in the afternoon, in the discretion of the court.

293 (3) The justice court may, in its discretion, upon prior
294 notice to the county prosecutor and upon a showing in open court
295 of rehabilitation, good conduct for a period of two (2) years



296 since the last conviction in any court and that the best interest
297 of society would be served, order the record of conviction of a
298 person of any or all misdemeanors in that court expunged, and upon
299 so doing, such person thereafter legally stands as though he or
300 she had never been convicted of the misdemeanor(s) and may
301 lawfully so respond to any query of prior convictions. This order
302 of expunction does not apply to the confidential records of law
303 enforcement agencies and has no effect on the driving record of a
304 person maintained under Title 63, Mississippi Code of 1972, or any
305 other provision of said Title 63.

306 (4) Notwithstanding the provisions of subsection (3) of this
307 section, a person who was convicted in justice court of a
308 misdemeanor before reaching his twenty-third birthday, excluding
309 conviction for a traffic violation, and who is a first offender,
310 may utilize the provisions of Section 99-19-71, to expunge such
311 misdemeanor conviction.

312 **SECTION 9.** Section 21-23-7, Mississippi Code of 1972, is
313 amended as follows:

314 21-23-7. (1) The municipal judge shall hold court in a
315 public building designated by the governing authorities of the
316 municipality, or may hold court in an adult detention center as
317 provided under this subsection, and may hold court every day
318 except Sundays and legal holidays if the business of the
319 municipality so requires; provided, however, the municipal judge
320 may hold court outside the boundaries of the municipality but not



321 more than within a sixty-mile radius of the municipality to handle
322 preliminary matters and criminal matters such as initial
323 appearances and felony preliminary hearings. The municipal judge
324 may hold court outside the boundaries of the municipality but not
325 more than within a one-mile radius of the municipality for any
326 purpose; however, a municipal judge may hold court outside the
327 boundaries of the municipality more than within a one-mile radius
328 of the municipality when accepting a plea of a defendant at an
329 adult detention center within the county. The municipal judge
330 shall have the jurisdiction to hear and determine, without a jury
331 and without a record of the testimony, all cases charging
332 violations of the municipal ordinances and state misdemeanor laws
333 made offenses against the municipality and to punish offenders
334 therefor as may be prescribed by law. Except as otherwise
335 provided by law, criminal proceedings shall be brought by sworn
336 complaint filed in the municipal court. Such complaint shall
337 state the essential elements of the offense charged and the
338 statute or ordinance relied upon. Such complaint shall not be
339 required to conclude with a general averment that the offense is
340 against the peace and dignity of the state or in violation of the
341 ordinances of the municipality. He may sit as a committing court
342 in all felonies committed within the municipality, and he shall
343 have the power to bind over the accused to the grand jury or to
344 appear before the proper court having jurisdiction to try the
345 same, and to set the amount of bail or refuse bail and commit the



346 accused to jail in cases not bailable. The municipal judge is a
347 conservator of the peace within his municipality. He may conduct
348 preliminary hearings in all violations of the criminal laws of
349 this state occurring within the municipality, and any person
350 arrested for a violation of law within the municipality may be
351 brought before him for initial appearance. The municipal court
352 shall have jurisdiction of any case remanded to it by a circuit
353 court grand jury. The municipal court shall have civil
354 jurisdiction over actions filed pursuant to and as provided in
355 Chapter 21, Title 93, * * * Mississippi Code of 1972, the
356 Protection from Domestic Abuse Act.

357 (2) In the discretion of the court, where the objects of
358 justice would be more likely met, as an alternative to imposition
359 or payment of fine and/or incarceration, the municipal judge shall
360 have the power to sentence convicted offenders to work on a public
361 service project where the court has established such a program of
362 public service by written guidelines filed with the clerk for
363 public record. Such programs shall provide for reasonable
364 supervision of the offender and the work shall be commensurate
365 with the fine and/or incarceration that would have ordinarily been
366 imposed. Such program of public service may be utilized in the
367 implementation of the provisions of Section 99-19-20, and public
368 service work thereunder may be supervised by persons other than
369 the sheriff.



370 (3) The municipal judge may solemnize marriages, take oaths,
371 affidavits and acknowledgments, and issue orders, subpoenas,
372 summonses, citations, warrants for search and arrest upon a
373 finding of probable cause, and other such process under seal of
374 the court to any county or municipality, in a criminal case, to be
375 executed by the lawful authority of the county or the municipality
376 of the respondent, and enforce obedience thereto. The absence of
377 a seal shall not invalidate the process.

378 (4) When a person shall be charged with an offense in
379 municipal court punishable by confinement, the municipal judge,
380 being satisfied that such person is an indigent person and is
381 unable to employ counsel, may, in the discretion of the court,
382 appoint counsel from the membership of The Mississippi Bar
383 residing in his county who shall represent him. Compensation for
384 appointed counsel in criminal cases shall be approved and allowed
385 by the municipal judge and shall be paid by the municipality. The
386 maximum compensation shall not exceed Two Hundred Dollars
387 (\$200.00) for any one (1) case. The governing authorities of a
388 municipality may, in their discretion, appoint a public
389 defender(s) who must be a licensed attorney and who shall receive
390 a salary to be fixed by the governing authorities.

391 (5) The municipal judge of any municipality is hereby
392 authorized to suspend the sentence and to suspend the execution of
393 the sentence, or any part thereof, on such terms as may be imposed
394 by the municipal judge. However, the suspension of imposition or



395 execution of a sentence hereunder may not be revoked after a
396 period of two (2) years. The municipal judge shall have the power
397 to establish and operate a probation program, dispute resolution
398 program and other practices or procedures appropriate to the
399 judiciary and designed to aid in the administration of justice.
400 Any such program shall be established by the court with written
401 policies and procedures filed with the clerk of the court for
402 public record. Subsequent to original sentencing, the municipal
403 judge, in misdemeanor cases, is hereby authorized to suspend
404 sentence and to suspend the execution of a sentence, or any part
405 thereof, on such terms as may be imposed by the municipal judge,
406 if (a) the judge or his or her predecessor was authorized to order
407 such suspension when the sentence was originally imposed; and (b)
408 such conviction (i) has not been appealed; or (ii) has been
409 appealed and the appeal has been voluntarily dismissed.

410 (6) Upon prior notice to the municipal prosecuting attorney
411 and upon a showing in open court of rehabilitation, good conduct
412 for a period of two (2) years since the last conviction in any
413 court and that the best interest of society would be served, the
414 court may, in its discretion, order the record of conviction of a
415 person of any or all misdemeanors in that court expunged, and upon
416 so doing the said person thereafter legally stands as though he
417 had never been convicted of the said misdemeanor(s) and may
418 lawfully so respond to any query of prior convictions. This order
419 of expunction does not apply to the confidential records of law



420 enforcement agencies and has no effect on the driving record of a
421 person maintained under Title 63, Mississippi Code of 1972, or any
422 other provision of said Title 63.

423 (7) Notwithstanding the provisions of subsection (6) of this
424 section, a person who was convicted in municipal court of a
425 misdemeanor before reaching his twenty-third birthday, excluding
426 conviction for a traffic violation, and who is a first offender,
427 may utilize the provisions of Section 99-19-71, to expunge such
428 misdemeanor conviction.

429 (8) In the discretion of the court, a plea of nolo
430 contendere may be entered to any charge in municipal court. Upon
431 the entry of a plea of nolo contendere the court shall convict the
432 defendant of the offense charged and shall proceed to sentence the
433 defendant according to law. The judgment of the court shall
434 reflect that the conviction was on a plea of nolo contendere. An
435 appeal may be made from a conviction on a plea of nolo contendere
436 as in other cases.

437 (9) Upon execution of a sworn complaint charging a
438 misdemeanor, the municipal court may, in its discretion and in
439 lieu of an arrest warrant, issue a citation requiring the
440 appearance of the defendant to answer the charge made against him.
441 On default of appearance, an arrest warrant may be issued for the
442 defendant. The clerk of the court or deputy clerk may issue such
443 citations.



444 (10) The municipal court shall have the power to make rules
445 for the administration of the court's business, which rules, if
446 any, shall be in writing filed with the clerk of the court and
447 shall include the enactment of rules related to the court's
448 authority to issue domestic abuse protection orders pursuant to
449 Section 93-21-1 et seq.

450 (11) The municipal court shall have the power to impose
451 punishment of a fine of not more than One Thousand Dollars
452 (\$1,000.00) or six (6) months imprisonment, or both, for contempt
453 of court. The municipal court may have the power to impose
454 reasonable costs of court, not in excess of the following:

455	Dismissal of any affidavit, complaint or charge	
456	in municipal court.....	\$ 50.00
457	Suspension of a minor's driver's license in lieu of	
458	conviction.....	\$ 50.00
459	Service of scire facias or return "not found".....	\$ 20.00
460	Causing search warrant to issue or causing	
461	prosecution without reasonable cause or refusing to	
462	cooperate after initiating action.....	\$ 100.00
463	Certified copy of the court record.....	\$ 5.00
464	Service of arrest warrant for failure to answer	
465	citation or traffic summons.....	\$ 25.00
466	Jail cost per day - actual jail cost paid by the municipality	
467	but not to exceed.....	\$ 35.00
468	Service of court documents related to the filing	



469 of a petition or issuance of a protection from domestic
470 abuse order under Chapter 21, Title 93, * * * Mississippi Code of
471 1972\$ 25.00

472 Any other item of court cost.....\$ 50.00

473 No filing fee or such cost shall be imposed for the bringing
474 of an action in municipal court.

475 (12) A municipal court judge shall not dismiss a criminal
476 case but may transfer the case to the justice court of the county
477 if the municipal court judge is prohibited from presiding over the
478 case by the Canons of Judicial Conduct and provided that venue and
479 jurisdiction are proper in the justice court. Upon transfer of
480 any such case, the municipal court judge shall give the municipal
481 court clerk a written order to transmit the affidavit or complaint
482 and all other records and evidence in the court's possession to
483 the justice court by certified mail or to instruct the arresting
484 officer to deliver such documents and records to the justice
485 court. There shall be no court costs charged for the transfer of
486 the case to the justice court.

487 (13) A municipal court judge shall expunge the record of any
488 case in which an arrest was made, the person arrested was released
489 and the case was dismissed or the charges were dropped, there was
490 no disposition of such case or the person was found not guilty at
491 trial.

492 (14) For violations of municipal ordinances related to real
493 property, the municipal judge shall have the power to order a



494 defendant to remedy violations within a reasonable time period as
495 set by the judge, and at the discretion of the judge, the judge
496 may simultaneously authorize the municipality, at its request, the
497 option to remedy the violation itself, through the use of its own
498 employees or its contractors, without further notice should the
499 defendant fail to fully do so within the time period set by the
500 judge. Subsequent to the municipality remedying the violation,
501 the municipality may petition the court to assess documented
502 cleanup costs to the defendant, and, if, following a hearing on
503 such petition, the judge determines (a) the violations were not
504 remedied by the defendant within the time required by the court,
505 (b) that the municipality remedied the violation itself after such
506 time period expired and (c) that the costs incurred by the
507 municipality were reasonable, the court may assess the costs to
508 the defendant as a judgement, which may be enrolled in the office
509 of the circuit clerk.

510 **SECTION 10.** This act shall take effect and be in force from
511 and after July 1, 2022.

