

By: Representatives Yates, Bell (65th)

To: Judiciary B

HOUSE BILL NO. 629

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,
 2 TO CLARIFY EXPUNGEMENT PROCEDURES IN ALL COURTS, FOR PRE-TRIAL
 3 DIVERSION PROGRAMS, DISMISSAL OF ARRESTS, DISMISSAL OF CHARGES AND
 4 DUI CONVICTIONS; TO AMEND SECTION 63-11-30, MISSISSIPPI CODE OF
 5 1972, TO REMOVE EXPUNGEMENT FROM THE PROVISION OF LAW THAT
 6 PROVIDES FOR DUI PENALTIES; TO AMEND SECTION 99-15-123,
 7 MISSISSIPPI CODE OF 1972, TO REMOVE REFERENCES TO EXPUNGEMENT IN
 8 PRE-TRIAL COMPLETION LANGUAGE; TO AMEND SECTIONS 99-15-26,
 9 41-29-150, 9-11-15 AND 21-23-7, MISSISSIPPI CODE OF 1972, TO
 10 CONFORM TO THE PRECEDING SECTIONS; TO REPEAL SECTION 99-15-57,
 11 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR EXPUNGEMENT WHEN
 12 CASES ARE DISMISSED OR CHARGES ARE DROPPED; TO REPEAL SECTION
 13 99-15-59, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE
 14 EXPUNGEMENT OF THOSE PERSONS NOT FORMALLY CHARGED WITH A CRIME; TO
 15 REPEAL SECTION 9-23-23, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
 16 FOR EXPUNGEMENT OF INTERVENTION COURT PARTICIPANTS UPON COMPLETION
 17 OF INTERVENTION COURT; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 99-19-71, Mississippi Code of 1972, is
 20 amended as follows:

21 99-19-71. (1) Any person who has been convicted of a
 22 misdemeanor that is not a traffic violation, and who is a first
 23 offender, may petition the justice, county, circuit or municipal
 24 court in which the conviction was had for an order to expunge any
 25 such conviction from all public records.



26 (2) (a) Except as otherwise provided in this subsection, a
27 person who has been convicted of a felony and who has paid all
28 criminal fines and costs of court imposed in the sentence of
29 conviction may petition the court in which the conviction was had
30 for an order to expunge one (1) conviction from all public records
31 five (5) years after the successful completion of all terms and
32 conditions of the sentence for the conviction upon a hearing as
33 determined in the discretion of the court; however, a person is
34 not eligible to expunge a felony classified as:

35 (i) A crime of violence as provided in Section
36 97-3-2;

37 (ii) Arson, first degree as provided in Sections
38 97-17-1 and 97-17-3;

39 (iii) Trafficking in controlled substances as
40 provided in Section 41-29-139;

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

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

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

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

48 (viii) Witness intimidation as provided in Section
49 97-9-113;



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

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

54 A person is eligible for only one (1) felony expunction under
55 this paragraph. For the purposes of this section, the terms "one
56 (1) conviction" and "one (1) felony expunction" mean and include
57 all convictions that arose from a common nucleus of operative
58 facts as determined in the discretion of the court.

59 (b) The petitioner shall give ten (10) days' written
60 notice to the district attorney before any hearing on the
61 petition. In all cases, the court wherein the petition is filed
62 may grant the petition if the court determines, on the record or
63 in writing, that the applicant is rehabilitated from the offense
64 which is the subject of the petition. In those cases where the
65 court denies the petition, the findings of the court in this
66 respect shall be identified specifically and not generally.

67 (3) Upon entering an order of expunction under this section,
68 a nonpublic record thereof shall be retained by the Mississippi
69 Criminal Information Center solely for the purpose of determining
70 whether, in subsequent proceedings, the person is a first
71 offender. The order of expunction shall not preclude a district
72 attorney's office from retaining a nonpublic record thereof for
73 law enforcement purposes only. The existence of an order of
74 expunction shall not preclude an employer from asking a



75 prospective employee if the employee has had an order of
76 expunction entered on his behalf. The effect of the expunction
77 order shall be to restore the person, in the contemplation of the
78 law, to the status he occupied before any arrest or indictment for
79 which convicted. No person as to whom an expunction order has
80 been entered shall be held thereafter under any provision of law
81 to be guilty of perjury or to have otherwise given a false
82 statement by reason of his failure to recite or acknowledge such
83 arrest, indictment or conviction in response to any inquiry made
84 of him for any purpose other than the purpose of determining, in
85 any subsequent proceedings under this section, whether the person
86 is a first offender. A person as to whom an order has been
87 entered, upon request, shall be required to advise the court, in
88 camera, of the previous conviction and expunction in any legal
89 proceeding wherein the person has been called as a prospective
90 juror. The court shall thereafter and before the selection of the
91 jury advise the attorneys representing the parties of the previous
92 conviction and expunction.

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

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



100 (6) (a) Any person who is arrested, issued a citation, or
101 held for any misdemeanor and not formally charged or prosecuted
102 with an offense within twelve (12) months of arrest, or upon
103 dismissal of the charge, may apply to the court with jurisdiction
104 over the matter for the charges to be expunged.

105 (b) Upon petition therefor to any court, the record
106 shall be expunged of any case in which an arrest was made, the
107 person arrested was released and the case was dismissed or the
108 charges were dropped, there was no disposition of such case, or
109 the person was found not guilty at trial.

110 (c) When a court dismisses a cause, closes a case or a
111 person is found not guilty, the court shall expunge the person's
112 record of the charge.

113 (7) Any person who pled guilty within six (6) months prior
114 to March 31, 1983, and who would have otherwise been eligible for
115 the relief allowed in Section 99-15-26, may apply to the court in
116 which such person was sentenced for an order to expunge from all
117 official public records all recordation relating to his arrest,
118 indictment, trial, finding of guilty and sentence. If the court
119 determines, after hearing, that such person has satisfactorily
120 served his sentence or period of probation and parole, pled guilty
121 within six (6) months prior to March 31, 1983, and would have
122 otherwise been eligible for the relief allowed in Section
123 99-15-26, it may enter such order. The effect of such order shall
124 be to restore such person, in the contemplation of the law, to the



125 status he occupied before such arrest or indictment. No person as
126 to whom such order has been entered shall be held thereafter under
127 any provision of any law to be guilty of perjury or otherwise
128 giving a false statement by reason of his failures to recite or
129 acknowledge such arrest, or indictment or trial in response to any
130 inquiry made of him for any purpose.

131 (8) Upon the dismissal of a person and discharge of
132 proceedings against a person under Section 41-29-150(d), the
133 person may apply to the court for an order to expunge from all
134 official records, other than the nonpublic records to be retained
135 by the bureau under subsection (d) of Section 41-29-150, all
136 recordation relating to his arrest, indictment, trial, finding of
137 guilt, and dismissal and discharge pursuant to this section. If
138 the court determines, after hearing, that such person was
139 dismissed and the proceedings against him discharged, or that the
140 person had satisfactorily served his sentence or period of
141 probation and parole, it shall enter an order of expunction. The
142 effect of the order shall be to restore the person, in the
143 contemplation of the law, to the status he occupied before such
144 arrest or indictment. No person as to whom such an order has been
145 entered shall be held thereafter under any provision of any law to
146 be guilty of perjury or otherwise giving a false statement by
147 reason of his failures to recite or acknowledge such arrest,
148 indictment or trial in response to any inquiry made of him for any
149 purpose. A person as to whom an order has been entered, upon



150 request, shall be required to advise the court, in camera, of the
151 previous conviction and expunction in any legal proceeding wherein
152 the person has been called as a prospective juror. The court
153 shall thereafter and before the selection of the jury advise the
154 attorneys representing the parties of the previous conviction and
155 expunction.

156 (9) (a) The justice court may, in its discretion, upon
157 prior notice to the county prosecutor and upon a showing in open
158 court of rehabilitation, good conduct for a period of two (2)
159 years since the last conviction in any court and that the best
160 interest of society would be served, order the record of
161 conviction of a person of any or all misdemeanors in that court
162 expunged, and upon so doing, such person thereafter legally stands
163 as though he or she had never been convicted of the misdemeanor(s)
164 and may lawfully so respond to any query of prior convictions.
165 This order of expunction does not apply to the confidential
166 records of law enforcement agencies and has no effect on the
167 driving record of a person maintained under Title 63, Mississippi
168 Code of 1972, or any other provision of said Title 63.

169 (b) Notwithstanding the provisions of paragraph (a) of
170 this subsection, a person who was convicted in justice court of a
171 misdemeanor before reaching his twenty-third birthday, excluding
172 conviction for a traffic violation, and who is a first offender,
173 may utilize the provisions of subsection (1) of this section, to
174 expunge such misdemeanor conviction.



175 (10) When an intervention court participant completes all
176 requirements imposed upon him or her by an intervention court,
177 including the payment of fines and fees assessed and not waived by
178 the court, the charge and prosecution shall be dismissed. If the
179 defendant or participant was sentenced at the time of entry of a
180 plea of guilty, the successful completion of the intervention
181 court order and other requirements of probation or suspension of
182 sentence will result in the record of the criminal conviction or
183 adjudication being expunged. However, no expunction of any
184 implied consent violation shall be allowed.

185 (11) (a) Any municipal court, upon prior notice to the
186 municipal prosecuting attorney and upon a showing in open court of
187 rehabilitation, good conduct for a period of two (2) years since
188 the last conviction in any court and that the best interest of
189 society would be served, the court may, in its discretion, order
190 the record of conviction of a person of any or all misdemeanors in
191 that court expunged, and upon so doing the person thereafter
192 legally stands as though he had never been convicted of the
193 misdemeanor(s) and may lawfully so respond to any query of prior
194 convictions. This order of expunction does not apply to the
195 confidential records of law enforcement agencies and has no effect
196 on the driving record of a person maintained under Title 63,
197 Mississippi Code of 1972, or any other provision of said Title 63.

198 (b) Notwithstanding the provisions of paragraph (a) of
199 this subsection, a person who was convicted in municipal court of



200 a misdemeanor before reaching his twenty-third birthday, excluding
201 conviction for a traffic violation, and who is a first offender,
202 may utilize the provisions of subsection (1) of this section to
203 expunge such misdemeanor conviction.

204 (c) A municipal court judge shall expunge the record of
205 any case in which an arrest was made, the person arrested was
206 released and the case was dismissed or the charges were dropped,
207 there was no disposition of such case or the person was found not
208 guilty at trial.

209 (12) (a) Any person convicted under subsection (2) or (3)
210 of Section 63-11-30 of a first offense of driving under the
211 influence and who was not the holder of a commercial driver's
212 license or a commercial learning permit at the time of the offense
213 may petition the circuit court of the county in which the
214 conviction occurred for an order to expunge the record of the
215 conviction at least five (5) years after successful completion of
216 all terms and conditions of the sentence imposed for the
217 conviction. Expunction under this subsection will only be
218 available to a person:

219 (i) Who has successfully completed all terms and
220 conditions of the sentence imposed for the conviction;

221 (ii) Who did not refuse to submit to a test of his
222 blood or breath;



223 (iii) Whose blood alcohol concentration tested
224 below sixteen one-hundredths percent (.16%) if test results are
225 available;

226 (iv) Who has not been convicted of and does not
227 have pending any other offense of driving under the influence;

228 (v) Who has provided the court with justification
229 as to why the conviction should be expunged; and

230 (vi) Who has not previously had a nonadjudication
231 or expunction of a violation of this section.

232 (b) A person is eligible for only one (1) expunction
233 under this subsection, and the Department of Public Safety shall
234 maintain a permanent confidential registry of all cases of
235 expunction under this subsection for the sole purpose of
236 determining a person's eligibility for expunction, for
237 nonadjudication, or as a first offender under this section.

238 (c) The court in its order of expunction shall state in
239 writing the justification for which the expunction was granted and
240 forward the order to the Department of Public Safety within five
241 (5) days of the entry of the order.

242 **SECTION 2.** Section 63-11-30, Mississippi Code of 1972, is
243 amended as follows:

244 63-11-30. (1) It is unlawful for a person to drive or
245 otherwise operate a vehicle within this state if the person:

246 (a) Is under the influence of intoxicating liquor;



247 (b) Is under the influence of any other substance that
248 has impaired the person's ability to operate a motor vehicle;

249 (c) Is under the influence of any drug or controlled
250 substance, the possession of which is unlawful under the
251 Mississippi Controlled Substances Law; or

252 (d) Has an alcohol concentration in the person's blood,
253 based upon grams of alcohol per one hundred (100) milliliters of
254 blood, or grams of alcohol per two hundred ten (210) liters of
255 breath, as shown by a chemical analysis of the person's breath,
256 blood or urine administered as authorized by this chapter, of:

257 (i) Eight one-hundredths percent (.08%) or more
258 for a person who is above the legal age to purchase alcoholic
259 beverages under state law;

260 (ii) Two one-hundredths percent (.02%) or more for
261 a person who is below the legal age to purchase alcoholic
262 beverages under state law; or

263 (iii) Four one-hundredths percent (.04%) or more
264 for a person operating a commercial motor vehicle.

265 (2) Except as otherwise provided in subsection (3) of this
266 section (Zero Tolerance for Minors):

267 (a) **First offense DUI.** (i) Upon conviction of any
268 person for the first offense of violating subsection (1) of this
269 section where chemical tests under Section 63-11-5 were given, or
270 where chemical test results are not available, the person shall be
271 fined not less than Two Hundred Fifty Dollars (\$250.00) nor more



272 than One Thousand Dollars (\$1,000.00), or imprisoned for not more
273 than forty-eight (48) hours in jail, or both; the court shall
274 order the person to attend and complete an alcohol safety
275 education program as provided in Section 63-11-32 within six (6)
276 months of sentencing. The court may substitute attendance at a
277 victim impact panel instead of forty-eight (48) hours in jail.

278 (ii) Suspension of commercial driving privileges
279 is governed by Section 63-1-216.

280 (iii) A qualifying first offense may be
281 nonadjudicated by the court under subsection (14) of this section.
282 The holder of a commercial driver's license or a commercial
283 learning permit at the time of the offense is ineligible for
284 nonadjudication.

285 (iv) Eligibility for an interlock-restricted
286 license is governed by Section 63-11-31 and suspension of regular
287 driving privileges is governed by Section 63-11-23.

288 (b) **Second offense DUI.** (i) Upon any second
289 conviction of any person violating subsection (1) of this section,
290 the offenses being committed within a period of five (5) years,
291 the person shall be guilty of a misdemeanor, fined not less than
292 Six Hundred Dollars (\$600.00) nor more than One Thousand Five
293 Hundred Dollars (\$1,500.00), shall be imprisoned not less than
294 five (5) days nor more than six (6) months and sentenced to
295 community service work for not less than ten (10) days nor more
296 than six (6) months. The minimum penalties shall not be suspended



297 or reduced by the court and no prosecutor shall offer any
298 suspension or sentence reduction as part of a plea bargain.

299 (ii) Suspension of commercial driving privileges
300 is governed by Section 63-1-216.

301 (iii) Eligibility for an interlock-restricted
302 license is governed by Section 63-11-31 and suspension of regular
303 driving privileges is governed by Section 63-11-23.

304 (c) **Third offense DUI.** (i) For a third conviction of
305 a person for violating subsection (1) of this section, the
306 offenses being committed within a period of five (5) years, the
307 person shall be guilty of a felony and fined not less than Two
308 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars
309 (\$5,000.00), and shall serve not less than one (1) year nor more
310 than five (5) years in the custody of the Department of
311 Corrections. For any offense that does not result in serious
312 injury or death to any person, the sentence of incarceration may
313 be served in the county jail rather than in the State Penitentiary
314 at the discretion of the circuit court judge. The minimum
315 penalties shall not be suspended or reduced by the court and no
316 prosecutor shall offer any suspension or sentence reduction as
317 part of a plea bargain.

318 (ii) The suspension of commercial driving
319 privileges is governed by Section 63-1-216.

320 (iii) The suspension of regular driving privileges
321 is governed by Section 63-11-23.



322 (d) **Fourth and subsequent offense DUI.** (i) For any
323 fourth or subsequent conviction of a violation of subsection (1)
324 of this section, without regard to the time period within which
325 the violations occurred, the person shall be guilty of a felony
326 and fined not less than Three Thousand Dollars (\$3,000.00) nor
327 more than Ten Thousand Dollars (\$10,000.00), and shall serve not
328 less than two (2) years nor more than ten (10) years in the
329 custody of the Department of Corrections.

330 (ii) The suspension of commercial driving
331 privileges is governed by Section 63-1-216.

332 (iii) A person convicted of a fourth or subsequent
333 offense is ineligible to exercise the privilege to operate a motor
334 vehicle that is not equipped with an ignition-interlock device for
335 ten (10) years.

336 (e) Any person convicted of a second or subsequent
337 violation of subsection (1) of this section shall receive an
338 in-depth diagnostic assessment, and if as a result of the
339 assessment is determined to be in need of treatment for alcohol or
340 drug abuse, the person must successfully complete treatment at a
341 program site certified by the Department of Mental Health. Each
342 person who receives a diagnostic assessment shall pay a fee
343 representing the cost of the assessment. Each person who
344 participates in a treatment program shall pay a fee representing
345 the cost of treatment.



346 (f) The use of ignition-interlock devices is governed
347 by Section 63-11-31.

348 (3) **Zero Tolerance for Minors.** (a) This subsection shall
349 be known and may be cited as Zero Tolerance for Minors. The
350 provisions of this subsection shall apply only when a person under
351 the age of twenty-one (21) years has a blood alcohol concentration
352 of two one-hundredths percent (.02%) or more, but lower than eight
353 one-hundredths percent (.08%). If the person's blood alcohol
354 concentration is eight one-hundredths percent (.08%) or more, the
355 provisions of subsection (2) shall apply.

356 (b) (i) A person under the age of twenty-one (21) is
357 eligible for nonadjudication of a qualifying first offense by the
358 court pursuant to subsection (14) of this section.

359 (ii) Upon conviction of any person under the age
360 of twenty-one (21) years for the first offense of violating
361 subsection (1) of this section where chemical tests provided for
362 under Section 63-11-5 were given, or where chemical test results
363 are not available, the person shall be fined Two Hundred Fifty
364 Dollars (\$250.00); the court shall order the person to attend and
365 complete an alcohol safety education program as provided in
366 Section 63-11-32 within six (6) months. The court may also
367 require attendance at a victim impact panel.

368 (c) A person under the age of twenty-one (21) years who
369 is convicted of a second violation of subsection (1) of this
370 section, the offenses being committed within a period of five (5)



371 years, shall be fined not more than Five Hundred Dollars
372 (\$500.00).

373 (d) A person under the age of twenty-one (21) years who
374 is convicted of a third or subsequent violation of subsection (1)
375 of this section, the offenses being committed within a period of
376 five (5) years, shall be fined not more than One Thousand Dollars
377 (\$1,000.00).

378 (e) License suspension is governed by Section 63-11-23
379 and ignition interlock is governed by Section 63-11-31.

380 (f) Any person under the age of twenty-one (21) years
381 convicted of a third or subsequent violation of subsection (1) of
382 this section must complete treatment of an alcohol or drug abuse
383 program at a site certified by the Department of Mental Health.

384 (4) **DUI test refusal.** In addition to the other penalties
385 provided in this section, every person refusing a law enforcement
386 officer's request to submit to a chemical test of the person's
387 breath as provided in this chapter, or who was unconscious at the
388 time of a chemical test and refused to consent to the introduction
389 of the results of the test in any prosecution, shall suffer an
390 additional administrative suspension of driving privileges as set
391 forth in Section 63-11-23.

392 (5) **Aggravated DUI.** (a) Every person who operates any
393 motor vehicle in violation of the provisions of subsection (1) of
394 this section and who in a negligent manner causes the death of
395 another or mutilates, disfigures, permanently disables or destroys



396 the tongue, eye, lip, nose or any other limb, organ or member of
397 another shall, upon conviction, be guilty of a separate felony for
398 each victim who suffers death, mutilation, disfigurement or other
399 injury and shall be committed to the custody of the State
400 Department of Corrections for a period of time of not less than
401 five (5) years and not to exceed twenty-five (25) years for each
402 death, mutilation, disfigurement or other injury, and the
403 imprisonment for the second or each subsequent conviction, in the
404 discretion of the court, shall commence either at the termination
405 of the imprisonment for the preceding conviction or run
406 concurrently with the preceding conviction. Any person charged
407 with causing the death of another as described in this subsection
408 shall be required to post bail before being released after arrest.

409 (b) A holder of a commercial driver's license who is
410 convicted of operating a commercial motor vehicle with an alcohol
411 concentration of eight one- * * * hundredths percent (.08%) or more
412 shall be guilty of a felony and shall be committed to the custody
413 of the Department of Corrections for not less than two (2) years
414 and not more than ten (10) years.

415 (c) The court shall order an ignition-interlock
416 restriction on the offender's privilege to drive as a condition of
417 probation or post-release supervision not to exceed five (5) years
418 unless a longer restriction is required under other law. The
419 ignition-interlock restriction shall not be applied to commercial



420 license privileges until the driver serves the full
421 disqualification period required by Section 63-1-216.

422 (6) **DUI citations.** (a) Upon conviction of a violation of
423 subsection (1) of this section, the trial judge shall sign in the
424 place provided on the traffic ticket, citation or affidavit
425 stating that the person arrested either employed an attorney or
426 waived his right to an attorney after having been properly
427 advised. If the person arrested employed an attorney, the name,
428 address and telephone number of the attorney shall be written on
429 the ticket, citation or affidavit. The court clerk must
430 immediately send a copy of the traffic ticket, citation or
431 affidavit, and any other pertinent documents concerning the
432 conviction or other order of the court, to the Department of
433 Public Safety as provided in Section 63-11-37.

434 (b) A copy of the traffic ticket, citation or affidavit
435 and any other pertinent documents, having been attested as true
436 and correct by the Commissioner of Public Safety, or his designee,
437 shall be sufficient proof of the conviction for purposes of
438 determining the enhanced penalty for any subsequent convictions of
439 violations of subsection (1) of this section. The Department of
440 Public Safety shall maintain a central database for verification
441 of prior offenses and convictions.

442 (7) **Out-of-state prior convictions.** Convictions in another
443 state, territory or possession of the United States, or under the
444 law of a federally recognized Native American tribe, of violations



445 for driving or operating a vehicle while under the influence of an
446 intoxicating liquor or while under the influence of any other
447 substance that has impaired the person's ability to operate a
448 motor vehicle occurring within five (5) years before an offense
449 shall be counted for the purposes of determining if a violation of
450 subsection (1) of this section is a second, third, fourth or
451 subsequent offense and the penalty that shall be imposed upon
452 conviction for a violation of subsection (1) of this section.

453 (8) **Charging of subsequent offenses.** (a) For the purposes
454 of determining how to impose the sentence for a second, third,
455 fourth or subsequent conviction under this section, the affidavit
456 or indictment shall not be required to enumerate previous
457 convictions. It shall only be necessary that the affidavit or
458 indictment states the number of times that the defendant has been
459 convicted and sentenced within the past five (5) years for a
460 second or third offense, or without a time limitation for a fourth
461 or subsequent offense, under this section to determine if an
462 enhanced penalty shall be imposed. The amount of fine and
463 imprisonment imposed in previous convictions shall not be
464 considered in calculating offenses to determine a second, third,
465 fourth or subsequent offense of this section.

466 (b) Before a defendant enters a plea of guilty to an
467 offense under this section, law enforcement must submit
468 certification to the prosecutor that the defendant's driving
469 record, the confidential registry and National Crime Information



470 Center record have been searched for all prior convictions,
471 nonadjudications, pretrial diversions and arrests for driving or
472 operating a vehicle while under the influence of an intoxicating
473 liquor or while under the influence of any other substance that
474 has impaired the person's ability to operate a motor vehicle. The
475 results of the search must be included in the certification.

476 (9) **License eligibility for underage offenders.** A person
477 who is under the legal age to obtain a license to operate a motor
478 vehicle at the time of the offense and who is convicted under this
479 section shall not be eligible to receive a driver's license until
480 the person reaches the age of eighteen (18) years.

481 (10) **License suspensions and restrictions to run**
482 **consecutively.** Suspension or restriction of driving privileges
483 for any person convicted of or nonadjudicated for violations of
484 subsection (1) of this section shall run consecutively to and not
485 concurrently with any other administrative license suspension.

486 (11) **Ignition interlock.** If the court orders installation
487 and use of an ignition-interlock device as provided in Section
488 63-11-31 for every vehicle operated by a person convicted or
489 nonadjudicated under this section, each device shall be installed,
490 maintained and removed as provided in Section 63-11-31.

491 (12) **DUI child endangerment.** A person over the age of
492 twenty-one (21) who violates subsection (1) of this section while
493 transporting in a motor vehicle a child under the age of sixteen
494 (16) years is guilty of the separate offense of endangering a



495 child by driving under the influence of alcohol or any other
496 substance which has impaired the person's ability to operate a
497 motor vehicle. The offense of endangering a child by driving
498 under the influence of alcohol or any other substance which has
499 impaired the person's ability to operate a motor vehicle shall not
500 be merged with an offense of violating subsection (1) of this
501 section for the purposes of prosecution and sentencing. An
502 offender who is convicted of a violation of this subsection shall
503 be punished as follows:

504 (a) A person who commits a violation of this subsection
505 which does not result in the serious injury or death of a child
506 and which is a first conviction shall be guilty of a misdemeanor
507 and, upon conviction, shall be fined not more than One Thousand
508 Dollars (\$1,000.00) or shall be imprisoned for not more than
509 twelve (12) months, or both;

510 (b) A person who commits a violation of this subsection
511 which does not result in the serious injury or death of a child
512 and which is a second conviction shall be guilty of a misdemeanor
513 and, upon conviction, shall be fined not less than One Thousand
514 Dollars (\$1,000.00) nor more than Five Thousand Dollars
515 (\$5,000.00) or shall be imprisoned for one (1) year, or both;

516 (c) A person who commits a violation of this subsection
517 which does not result in the serious injury or death of a child
518 and which is a third or subsequent conviction shall be guilty of a
519 felony and, upon conviction, shall be fined not less than Ten



520 Thousand Dollars (\$10,000.00) or shall be imprisoned for not less
521 than one (1) year nor more than five (5) years, or both; and

522 (d) A person who commits a violation of this subsection
523 which results in the serious injury or death of a child, without
524 regard to whether the offense was a first, second, third or
525 subsequent offense, shall be guilty of a felony and, upon
526 conviction, shall be punished by a fine of not less than Ten
527 Thousand Dollars (\$10,000.00) and shall be imprisoned for not less
528 than five (5) years nor more than twenty-five (25) years.

529 * * *

530 (* * *13) **Nonadjudication.** (a) For the purposes of this
531 chapter, "nonadjudication" means that the court withholds
532 adjudication of guilt and sentencing, either at the conclusion of
533 a trial on the merits or upon the entry of a plea of guilt by a
534 defendant, and places the defendant in a nonadjudication program
535 conditioned upon the successful completion of the requirements
536 imposed by the court under this subsection.

537 (b) A person is eligible for nonadjudication of an
538 offense under this Section 63-11-30 only one (1) time under any
539 provision of a law that authorizes nonadjudication and only for an
540 offender:

541 (i) Who has successfully completed all terms and
542 conditions imposed by the court after placement of the defendant
543 in a nonadjudication program;



544 (ii) Who was not the holder of a commercial
545 driver's license or a commercial learning permit at the time of
546 the offense;

547 (iii) Who has not previously been convicted of and
548 does not have pending any former or subsequent charges under this
549 section; and

550 (iv) Who has provided the court with justification
551 as to why nonadjudication is appropriate.

552 (c) Nonadjudication may be initiated upon the filing of
553 a petition for nonadjudication or at any stage of the proceedings
554 in the discretion of the court; the court may withhold
555 adjudication of guilt, defer sentencing, and upon the agreement of
556 the offender to participate in a nonadjudication program, enter an
557 order imposing requirements on the offender for a period of court
558 supervision before the order of nonadjudication is entered.
559 Failure to successfully complete a nonadjudication program
560 subjects the person to adjudication of the charges against him and
561 to imposition of all penalties previously withheld due to entrance
562 into a nonadjudication program. The court shall immediately
563 inform the commissioner of the conviction as required in Section
564 63-11-37.

565 (i) The court shall order the person to:

566 1. Pay the nonadjudication fee imposed under
567 Section 63-11-31 if applicable;



568 2. Pay all fines, penalties and assessments
569 that would have been imposed for conviction;

570 3. Attend and complete an alcohol safety
571 education program as provided in Section 63-11-32 within six (6)
572 months of the date of the order;

573 4. a. If the court determines that the
574 person violated this section with respect to alcohol or
575 intoxicating liquor, the person must install an ignition-interlock
576 device on every motor vehicle operated by the person, obtain an
577 interlock-restricted license, and maintain that license for one
578 hundred twenty (120) days or suffer a one-hundred-twenty-day
579 suspension of the person's regular driver's license, during which
580 time the person must not operate any vehicle.

581 b. If the court determines that the
582 person violated this section by operating a vehicle when under the
583 influence of a substance other than alcohol that has impaired the
584 person's ability to operate a motor vehicle, including any drug or
585 controlled substance which is unlawful to possess under the
586 Mississippi Controlled Substances Law, the person must submit to a
587 one-hundred-twenty-day period of a nonadjudication program that
588 includes court-ordered drug testing at the person's own expense
589 not less often than every thirty (30) days, during which time the
590 person may drive if compliant with the terms of the program, or
591 suffer a one-hundred-twenty-day suspension of the person's regular



592 driver's license, during which time the person will not operate
593 any vehicle.

594 (ii) Other conditions that may be imposed by the
595 court include, but are not limited to, alcohol or drug screening,
596 or both, proof that the person has not committed any other traffic
597 violations while under court supervision, proof of immobilization
598 or impoundment of vehicles owned by the offender if required, and
599 attendance at a victim-impact panel.

600 (d) The court may enter an order of nonadjudication
601 only if the court finds, after a hearing or after ex parte
602 examination of reliable documentation of compliance, that the
603 offender has successfully completed all conditions imposed by law
604 and previous orders of the court. The court shall retain
605 jurisdiction over cases involving nonadjudication for a period of
606 not more than two (2) years.

607 (e) (i) The clerk shall immediately forward a record
608 of every person placed in a nonadjudication program and of every
609 nonadjudication order to the Department of Public Safety for
610 inclusion in the permanent confidential registry of all cases that
611 are nonadjudicated under this subsection (* * *13).

612 (ii) Judges, clerks and prosecutors involved in
613 the trial of implied consent violations and law enforcement
614 officers involved in the issuance of citations for implied consent
615 violations shall have secure online access to the confidential
616 registry for the purpose of determining whether a person has



617 previously been the subject of a nonadjudicated case and 1. is
618 therefore ineligible for another nonadjudication; 2. is ineligible
619 as a first offender for a violation of this section; or 3. is
620 ineligible for expunction of a conviction of a violation of this
621 section.

622 (iii) The Driver Services Bureau of the department
623 shall have access to the confidential registry for the purpose of
624 determining whether a person is eligible for a form of license not
625 restricted to operating a vehicle equipped with an
626 ignition-interlock device.

627 (iv) The Mississippi Alcohol Safety Education
628 Program shall have secure online access to the confidential
629 registry for research purposes only.

630 **SECTION 3.** Section 99-15-123, Mississippi Code of 1972, is
631 amended as follows:

632 99-15-123. (1) In the event an offender successfully
633 completes a pretrial intervention program, the court shall make a
634 noncriminal disposition of the charge or charges pending against
635 the offender.

636 (2) In the event the offender violates the conditions of the
637 program agreement: (a) the district attorney may terminate the
638 offender's participation in the program, (b) the waiver executed
639 pursuant to Section 99-15-115 shall be void on the date the
640 offender is removed from the program for the violation, and (c)



641 the prosecution of pending criminal charges against the offender
642 shall be resumed by the district attorney.

643 * * *

644 **SECTION 4.** Section 99-15-26, Mississippi Code of 1972, is
645 amended as follows:

646 99-15-26. (1) (a) In all criminal cases, felony and
647 misdemeanor, other than crimes against the person, a crime of
648 violence as defined in Section 97-3-2, a violation of Section
649 97-11-31, or crimes in which a person unlawfully takes, obtains or
650 misappropriates funds received by or entrusted to the person by
651 virtue of his or her public office or employment, the circuit or
652 county court shall be empowered, upon the entry of a plea of
653 guilty by a criminal defendant made on or after July 1, 2014, to
654 withhold acceptance of the plea and sentence thereon pending
655 successful completion of such conditions as may be imposed by the
656 court pursuant to subsection (2) of this section.

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

663 (c) Notwithstanding paragraph (a) of this subsection
664 (1), in all criminal cases charging a misdemeanor of domestic
665 violence as defined in Section 99-3-7(5), a circuit, county,



666 justice or municipal court shall be empowered, upon the entry of a
667 plea of guilty by the criminal defendant, to withhold acceptance
668 of the plea and sentence thereon pending successful completion of
669 such conditions as may be imposed by the court pursuant to
670 subsection (2) of this section.

671 (d) No person having previously qualified under the
672 provisions of this section shall be eligible to qualify for
673 release in accordance with this section for a repeat offense. A
674 person shall not be eligible to qualify for release in accordance
675 with this section if charged with the offense of trafficking of a
676 controlled substance as provided in Section 41-29-139(f) or if
677 charged with an offense under the Mississippi Implied Consent Law.
678 Violations under the Mississippi Implied Consent Law can only be
679 nonadjudicated under the provisions of Section 63-11-30.

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

683 (i) Reasonable restitution to the victim of the
684 crime.

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

687 (iii) Payment of a fine not to exceed the
688 statutory limit.

689 (iv) Successful completion of drug, alcohol,
690 psychological or psychiatric treatment, successful completion of a



691 program designed to bring about the cessation of domestic abuse,
692 or any combination thereof, if the court deems treatment
693 necessary.

694 (v) The circuit or county court, in its
695 discretion, may require the defendant to remain in the program
696 subject to good behavior for a period of time not to exceed five
697 (5) years. The justice or municipal court, in its discretion, may
698 require the defendant to remain in the program subject to good
699 behavior for a period of time not to exceed two (2) years.

700 (b) Conditions which the circuit or county court may
701 impose under subsection (1) of this section also include
702 successful completion of an effective evidence-based program or a
703 properly controlled pilot study designed to contribute to the
704 evidence-based research literature on programs targeted at
705 reducing recidivism. Such program or pilot study may be community
706 based or institutionally based and should address risk factors
707 identified in a formal assessment of the offender's risks and
708 needs.

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

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

715 * * *



716 **SECTION 5.** Section 41-29-150, Mississippi Code of 1972, is
717 amended as follows:

718 41-29-150. (a) Any person convicted under Section 41-29-139
719 may be required, in the discretion of the court, as a part of the
720 sentence otherwise imposed, or in lieu of imprisonment in cases of
721 probation or suspension of sentence, to attend a course of
722 instruction conducted by the bureau, the State Board of Health, or
723 any similar agency, on the effects, medically, psychologically and
724 socially, of the misuse of controlled substances. The course may
725 be conducted at any correctional institution, detention center or
726 hospital, or at any center or treatment facility established for
727 the purpose of education and rehabilitation of those persons
728 committed because of abuse of controlled substances.

729 (b) Any person convicted under Section 41-29-139 who is
730 found to be dependent upon or addicted to any controlled substance
731 shall be required, as a part of the sentence otherwise imposed, or
732 in lieu of imprisonment in cases of parole, probation or
733 suspension of sentence, to receive medical treatment for such
734 dependency or addiction. The regimen of medical treatment may
735 include confinement in a medical facility of any correctional
736 institution, detention center or hospital, or at any center or
737 facility established for treatment of those persons committed
738 because of a dependence or addiction to controlled substances.

739 (c) Those persons previously convicted of a felony under
740 Section 41-29-139 and who are now confined at the Mississippi



741 State Hospital at Whitfield, Mississippi, or at the East
742 Mississippi State Hospital at Meridian, Mississippi, for the term
743 of their sentence shall remain under the jurisdiction of the
744 Mississippi Department of Corrections and shall be required to
745 abide by all reasonable rules and regulations promulgated by the
746 director and staff of said institutions and of the Department of
747 Corrections. Any persons so confined who shall refuse to abide by
748 said rules or who attempt an escape or who shall escape shall be
749 transferred to the State Penitentiary or to a county jail, where
750 appropriate, to serve the remainder of the term of imprisonment;
751 this provision shall not preclude prosecution and conviction for
752 escape from said institutions.

753 (d) * * * If any person who has not previously been
754 convicted of violating Section 41-29-139, or the laws of the
755 United States or of another state relating to narcotic drugs,
756 stimulant or depressant substances, other controlled substances or
757 marihuana is found to be guilty of a violation of subsection (c)
758 or (d) of Section 41-29-139, after trial or upon a plea of guilty,
759 the court may, without entering a judgment of guilty and with the
760 consent of such person, defer further proceedings and place him on
761 probation upon such reasonable conditions as it may require and
762 for such period, not to exceed three (3) years, as the court may
763 prescribe. Upon violation of a condition of the probation, the
764 court may enter an adjudication of guilt and proceed as otherwise
765 provided. The court may, in its discretion, dismiss the



766 proceedings against such person and discharge him from probation
767 before the expiration of the maximum period prescribed for such
768 person's probation. If during the period of his probation such
769 person does not violate any of the conditions of the probation,
770 then upon expiration of such period the court shall discharge such
771 person and dismiss the proceedings against him. Discharge and
772 dismissal under this subsection shall be without court
773 adjudication of guilt, but a nonpublic record thereof shall be
774 retained by the bureau solely for the purpose of use by the courts
775 in determining whether or not, in subsequent proceedings, such
776 person qualifies under this subsection. Such discharge or
777 dismissal shall not be deemed a conviction for purposes of
778 disqualifications or disabilities imposed by law upon conviction
779 of a crime, including the penalties prescribed under this article
780 for second or subsequent conviction, or for any other purpose.
781 Discharge and dismissal under this subsection may occur only once
782 with respect to any person; and

783 * * *

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

788 (f) It shall be unlawful for any person confined under the
789 provisions of subsection (b) or (c) of this section to escape or
790 attempt to escape from said institution, and, upon conviction,



791 said person shall be guilty of a felony and shall be imprisoned
792 for a term not to exceed two (2) years.

793 (g) It is the intent and purpose of the Legislature to
794 promote the rehabilitation of persons convicted of offenses under
795 the Uniform Controlled Substances Law.

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

798 9-11-15. (1) Justice court judges shall hold regular terms
799 of their courts, at such times as they may appoint, not exceeding
800 two (2) and not less than one (1) in every month, at the
801 appropriate justice court courtroom established by the board of
802 supervisors; and they may continue to hold their courts from day
803 to day so long as business may require; and all process shall be
804 returnable, and all trials shall take place at such regular terms,
805 except where it is otherwise provided; but where the defendant is
806 a nonresident or transient person, and it shall be shown by the
807 oath of either party that a delay of the trial until the regular
808 term will be of material injury to him, it shall be lawful for the
809 judge to have the parties brought before him at any reasonable
810 time and hear the evidence and give judgment or where the
811 defendant is a nonresident or transient person and the judge and
812 all parties agree, it shall be lawful for the judge to have the
813 parties brought before him on the day a citation is made and hear
814 the evidence and give judgment. Such court shall be a court of
815 record, with all the power incident to a court of record,



816 including power to fine in the amount of fine and length of
817 imprisonment as is authorized for a municipal court in Section
818 21-23-7(11) for contempt of court.

819 (2) (a) In counties with a population of less than one
820 hundred fifty thousand (150,000), each justice court shall
821 designate at least one-half (1/2) day each month as a traffic
822 court day, sufficient to handle the traffic violations docket of
823 that court, and shall notify all appropriate law enforcement
824 agencies of the date or dates. On the day or days so designated,
825 the justice court shall give priority to all cases involving
826 traffic violations.

827 (b) In counties with a population of one hundred fifty
828 thousand (150,000) or more, each justice court shall designate at
829 least one (1) day each month as a traffic court day, sufficient to
830 handle the traffic violations of that court, and shall notify all
831 appropriate law enforcement agencies of the date or dates. On the
832 day or days so designated, the justice court shall give priority
833 to all cases involving traffic violations. The one (1) day may be
834 one (1) whole day or it may be divided into half days as long as
835 one-half (1/2) day is held in the morning and one-half (1/2) day
836 is held in the afternoon, in the discretion of the court.

837 * * *

838 **SECTION 7.** Section 21-23-7, Mississippi Code of 1972, is
839 amended as follows:



840 21-23-7. (1) The municipal judge shall hold court in a
841 public building designated by the governing authorities of the
842 municipality, or may hold court in an adult detention center as
843 provided under this subsection, and may hold court every day
844 except Sundays and legal holidays if the business of the
845 municipality so requires; provided, however, the municipal judge
846 may hold court outside the boundaries of the municipality but not
847 more than within a sixty-mile radius of the municipality to handle
848 preliminary matters and criminal matters such as initial
849 appearances and felony preliminary hearings. The municipal judge
850 may hold court outside the boundaries of the municipality but not
851 more than within a one-mile radius of the municipality for any
852 purpose; however, a municipal judge may hold court outside the
853 boundaries of the municipality more than within a one-mile radius
854 of the municipality when accepting a plea of a defendant at an
855 adult detention center within the county. The municipal judge
856 shall have the jurisdiction to hear and determine, without a jury
857 and without a record of the testimony, all cases charging
858 violations of the municipal ordinances and state misdemeanor laws
859 made offenses against the municipality and to punish offenders
860 therefor as may be prescribed by law. Except as otherwise
861 provided by law, criminal proceedings shall be brought by sworn
862 complaint filed in the municipal court. Such complaint shall
863 state the essential elements of the offense charged and the
864 statute or ordinance relied upon. Such complaint shall not be



865 required to conclude with a general averment that the offense is
866 against the peace and dignity of the state or in violation of the
867 ordinances of the municipality. He may sit as a committing court
868 in all felonies committed within the municipality, and he shall
869 have the power to bind over the accused to the grand jury or to
870 appear before the proper court having jurisdiction to try the
871 same, and to set the amount of bail or refuse bail and commit the
872 accused to jail in cases not bailable. The municipal judge is a
873 conservator of the peace within his municipality. He may conduct
874 preliminary hearings in all violations of the criminal laws of
875 this state occurring within the municipality, and any person
876 arrested for a violation of law within the municipality may be
877 brought before him for initial appearance. The municipal court
878 shall have jurisdiction of any case remanded to it by a circuit
879 court grand jury. The municipal court shall have civil
880 jurisdiction over actions filed pursuant to and as provided in
881 Chapter 21, Title 93, * * * Mississippi Code of 1972, the
882 Protection from Domestic Abuse Act.

883 (2) In the discretion of the court, where the objects of
884 justice would be more likely met, as an alternative to imposition
885 or payment of fine and/or incarceration, the municipal judge shall
886 have the power to sentence convicted offenders to work on a public
887 service project where the court has established such a program of
888 public service by written guidelines filed with the clerk for
889 public record. Such programs shall provide for reasonable



890 supervision of the offender and the work shall be commensurate
891 with the fine and/or incarceration that would have ordinarily been
892 imposed. Such program of public service may be utilized in the
893 implementation of the provisions of Section 99-19-20, and public
894 service work thereunder may be supervised by persons other than
895 the sheriff.

896 (3) The municipal judge may solemnize marriages, take oaths,
897 affidavits and acknowledgments, and issue orders, subpoenas,
898 summonses, citations, warrants for search and arrest upon a
899 finding of probable cause, and other such process under seal of
900 the court to any county or municipality, in a criminal case, to be
901 executed by the lawful authority of the county or the municipality
902 of the respondent, and enforce obedience thereto. The absence of
903 a seal shall not invalidate the process.

904 (4) When a person shall be charged with an offense in
905 municipal court punishable by confinement, the municipal judge,
906 being satisfied that such person is an indigent person and is
907 unable to employ counsel, may, in the discretion of the court,
908 appoint counsel from the membership of The Mississippi Bar
909 residing in his county who shall represent him. Compensation for
910 appointed counsel in criminal cases shall be approved and allowed
911 by the municipal judge and shall be paid by the municipality. The
912 maximum compensation shall not exceed Two Hundred Dollars
913 (\$200.00) for any one (1) case. The governing authorities of a
914 municipality may, in their discretion, appoint a public



915 defender(s) who must be a licensed attorney and who shall receive
916 a salary to be fixed by the governing authorities.

917 (5) The municipal judge of any municipality is hereby
918 authorized to suspend the sentence and to suspend the execution of
919 the sentence, or any part thereof, on such terms as may be imposed
920 by the municipal judge. However, the suspension of imposition or
921 execution of a sentence hereunder may not be revoked after a
922 period of two (2) years. The municipal judge shall have the power
923 to establish and operate a probation program, dispute resolution
924 program and other practices or procedures appropriate to the
925 judiciary and designed to aid in the administration of justice.
926 Any such program shall be established by the court with written
927 policies and procedures filed with the clerk of the court for
928 public record. Subsequent to original sentencing, the municipal
929 judge, in misdemeanor cases, is hereby authorized to suspend
930 sentence and to suspend the execution of a sentence, or any part
931 thereof, on such terms as may be imposed by the municipal judge,
932 if (a) the judge or his or her predecessor was authorized to order
933 such suspension when the sentence was originally imposed; and (b)
934 such conviction (i) has not been appealed; or (ii) has been
935 appealed and the appeal has been voluntarily dismissed.

936 * * *

937 (* * *6) In the discretion of the court, a plea of nolo
938 contendere may be entered to any charge in municipal court. Upon
939 the entry of a plea of nolo contendere the court shall convict the



940 defendant of the offense charged and shall proceed to sentence the
941 defendant according to law. The judgment of the court shall
942 reflect that the conviction was on a plea of nolo contendere. An
943 appeal may be made from a conviction on a plea of nolo contendere
944 as in other cases.

945 (* * *7) Upon execution of a sworn complaint charging a
946 misdemeanor, the municipal court may, in its discretion and in
947 lieu of an arrest warrant, issue a citation requiring the
948 appearance of the defendant to answer the charge made against him.
949 On default of appearance, an arrest warrant may be issued for the
950 defendant. The clerk of the court or deputy clerk may issue such
951 citations.

952 (* * *8) The municipal court shall have the power to make
953 rules for the administration of the court's business, which rules,
954 if any, shall be in writing filed with the clerk of the court and
955 shall include the enactment of rules related to the court's
956 authority to issue domestic abuse protection orders pursuant to
957 Section 93-21-1 et seq.

958 (* * *9) The municipal court shall have the power to impose
959 punishment of a fine of not more than One Thousand Dollars
960 (\$1,000.00) or six (6) months imprisonment, or both, for contempt
961 of court. The municipal court may have the power to impose
962 reasonable costs of court, not in excess of the following:

963 Dismissal of any affidavit, complaint or charge
964 in municipal court.....\$ 50.00



965 Suspension of a minor's driver's license in lieu of
 966 conviction.....\$ 50.00
 967 Service of scire facias or return "not found".....\$ 20.00
 968 Causing search warrant to issue or causing
 969 prosecution without reasonable cause or refusing to
 970 cooperate after initiating action.....\$ 100.00
 971 Certified copy of the court record.....\$ 5.00
 972 Service of arrest warrant for failure to answer
 973 citation or traffic summons.....\$ 25.00
 974 Jail cost per day - actual jail cost paid by the municipality
 975 but not to exceed.....\$ 35.00
 976 Service of court documents related to the filing
 977 of a petition or issuance of a protection from domestic
 978 abuse order under Chapter 21, Title 93, * * * Mississippi Code of
 979 1972\$ 25.00
 980 Any other item of court cost.....\$ 50.00
 981 No filing fee or such cost shall be imposed for the bringing
 982 of an action in municipal court.

983 (* * *10) A municipal court judge shall not dismiss a
 984 criminal case but may transfer the case to the justice court of
 985 the county if the municipal court judge is prohibited from
 986 presiding over the case by the Canons of Judicial Conduct and
 987 provided that venue and jurisdiction are proper in the justice
 988 court. Upon transfer of any such case, the municipal court judge
 989 shall give the municipal court clerk a written order to transmit



990 the affidavit or complaint and all other records and evidence in
991 the court's possession to the justice court by certified mail or
992 to instruct the arresting officer to deliver such documents and
993 records to the justice court. There shall be no court costs
994 charged for the transfer of the case to the justice court.

995 * * *

996 (* * *11) For violations of municipal ordinances related to
997 real property, the municipal judge shall have the power to order a
998 defendant to remedy violations within a reasonable time period as
999 set by the judge, and at the discretion of the judge, the judge
1000 may simultaneously authorize the municipality, at its request, the
1001 option to remedy the violation itself, through the use of its own
1002 employees or its contractors, without further notice should the
1003 defendant fail to fully do so within the time period set by the
1004 judge. Subsequent to the municipality remedying the violation,
1005 the municipality may petition the court to assess documented
1006 cleanup costs to the defendant, and, if, following a hearing on
1007 such petition, the judge determines (a) the violations were not
1008 remedied by the defendant within the time required by the court,
1009 (b) that the municipality remedied the violation itself after such
1010 time period expired and (c) that the costs incurred by the
1011 municipality were reasonable, the court may assess the costs to
1012 the defendant as a judgement, which may be enrolled in the office
1013 of the circuit clerk.



1014 **SECTION 8.** Section 99-15-59, Mississippi Code of 1972, which
1015 provides for the expungement of those not formally charged, is
1016 repealed.

1017 **SECTION 9.** Section 99-15-57, Mississippi Code of 1972, which
1018 provides for expungement when cases are dismissed or charges are
1019 dropped, is repealed.

1020 **SECTION 10.** Section 9-23-23, Mississippi Code of 1972, which
1021 provides for expungement of intervention court participants upon
1022 completion of intervention court, is repealed.

1023 **SECTION 11.** This act shall take effect and be in force from
1024 and after July 1, 2022.

