

By: Representatives Karriem, Taylor

To: Judiciary B

HOUSE BILL NO. 852

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE TYPE OF CRIMES THAT ARE ELIGIBLE FOR EXPUNGEMENT;  
3 AND FOR RELATED PURPOSES.

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

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

7 99-19-71. (1) Any person who has been convicted of a  
8 misdemeanor that is not a traffic violation, and who is a first  
9 offender, may petition the justice, county, circuit or municipal  
10 court in which the conviction was had for an order to expunge any  
11 such conviction from all public records.

12 (2) (a) \* \* \* Any person who has been convicted of a felony  
13 and who has paid all criminal fines and costs of court imposed in  
14 the sentence of conviction may petition the court in which the  
15 conviction was had for an order to expunge one (1) conviction from  
16 all public records five (5) years after the successful completion  
17 of all terms and conditions of the sentence for the conviction  
18 upon a hearing as determined in the discretion of the court;



19 however, a person is not eligible to expunge a felony classified  
20 as \* \* \* a crime of violence as provided in Section 97-3-2 \* \* \*.  
21 \* \* \*

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

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

35 (3) Upon entering an order of expunction under this section,  
36 a nonpublic record thereof shall be retained by the Mississippi  
37 Criminal Information Center solely for the purpose of determining  
38 whether, in subsequent proceedings, the person is a first  
39 offender. The order of expunction shall not preclude a district  
40 attorney's office from retaining a nonpublic record thereof for  
41 law enforcement purposes only. The existence of an order of  
42 expunction shall not preclude an employer from asking a  
43 prospective employee if the employee has had an order of



44 expunction entered on his behalf. The effect of the expunction  
45 order shall be to restore the person, in the contemplation of the  
46 law, to the status he occupied before any arrest or indictment for  
47 which convicted. No person as to whom an expunction order has  
48 been entered shall be held thereafter under any provision of law  
49 to be guilty of perjury or to have otherwise given a false  
50 statement by reason of his failure to recite or acknowledge such  
51 arrest, indictment or conviction in response to any inquiry made  
52 of him for any purpose other than the purpose of determining, in  
53 any subsequent proceedings under this section, whether the person  
54 is a first offender. A person as to whom an order has been  
55 entered, upon request, shall be required to advise the court, in  
56 camera, of the previous conviction and expunction in any legal  
57 proceeding wherein the person has been called as a prospective  
58 juror. The court shall thereafter and before the selection of the  
59 jury advise the attorneys representing the parties of the previous  
60 conviction and expunction.

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

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



68           **SECTION 2.** This act shall take effect and be in force from  
69 and after July 1, 2022.

