

By: Representatives Karriem, Taylor

To: Judiciary B

HOUSE BILL NO. 853

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT ANY PERSON WHO HAS COMMITTED A FELONY THAT IS NOT
3 DEFINED AS A CRIME OF VIOLENCE MAY HAVE HIS OR HER RECORD EXPUNGED
4 FIVE YEARS AFTER COMPLETION OF ALL TERMS AND CONDITIONS; AND FOR
5 RELATED PURPOSES.

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

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

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

14 (2) (a) * * * Any person who has been convicted of a
15 felony, except a felony that is listed as a crime of violence in
16 Section 97-3-2, and who has paid all criminal fines and costs of
17 court imposed in the sentence of conviction may petition the court
18 in which the conviction was had for an order to expunge one (1)
19 conviction from all public records five (5) years after the



20 successful completion of all terms and conditions of the sentence
21 for the conviction * * *.

22 * * *

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

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

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



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

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

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



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

