

By: Representative Horan

To: Judiciary B

HOUSE BILL NO. 1253

1 AN ACT TO AMEND SECTION 99-39-7, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE A PERSON SEEKING TO FILE A MOTION FOR POST-CONVICTION
3 COLLATERAL RELIEF TO OBTAIN PERMISSION FROM THE MISSISSIPPI
4 SUPREME COURT BEFORE FILING THE MOTION IN TRIAL COURT IF A DENIAL
5 OF A PREVIOUS POST-CONVICTION MOTION HAS BEEN AFFIRMED ON APPEAL
6 OR MORE THAN THREE YEARS HAVE ELAPSED AFTER THE TIME FOR TAKING AN
7 APPEAL FROM A JUDGMENT OR CONVICTION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 99-39-7, Mississippi Code of 1972, is
10 amended as follows:

11 99-39-7. (1) The motion under this article shall be filed
12 as an original civil action in the trial court, except in cases in
13 which:

14 (a) The petitioner's conviction and sentence have been
15 appealed to the Supreme Court of Mississippi and there affirmed or
16 the appeal dismissed;

17 (b) The denial of a previous post-conviction motion
18 filed by the petitioner has been appealed to the Supreme Court of
19 Mississippi and there affirmed or the appeal dismissed; or



20 (c) More than three (3) years after the time for taking
21 an appeal from the judgment or conviction have elapsed.

22 (2) Where the conviction and sentence have been affirmed on
23 appeal or the appeal has been dismissed, where the denial of a
24 previous post-conviction motion filed by the petitioner has been
25 appealed to the Supreme Court of Mississippi and there affirmed or
26 the appeal dismissed, or where more than three (3) years after the
27 time for taking an appeal from the judgment or conviction have
28 elapsed, the motion under this article shall not be filed in the
29 trial court until the motion shall have first been presented to a
30 quorum of the Justices of the Supreme Court of Mississippi,
31 convened for * * * that purpose either in termtime or in vacation,
32 and an order granted allowing the filing of such motion in the
33 trial court. The procedure governing applications to the Supreme
34 Court for leave to file a motion under this article shall be as
35 provided in Section 99-39-27.

36 **SECTION 2.** This act shall take effect and be in force from
37 and after July 1, 2024.

