

By: Representative Horan

To: Constitution; Judiciary  
B

HOUSE BILL NO. 1445

1 AN ACT TO BRING FORWARD SECTION 99-19-71, MISSISSIPPI CODE OF  
2 1972, WHICH PROVIDES FOR PETITIONS FOR EXPUNGEMENT, FOR PURPOSES  
3 OF AMENDMENT; TO BRING FORWARD SECTION 9-11-15, MISSISSIPPI CODE  
4 OF 1972, WHICH AUTHORIZE JUSTICE COURTS TO EXPUNGE CONVICTIONS OF  
5 CERTAIN FIRST TIME OFFENDERS, FOR PURPOSES OF AMENDMENT; TO AMEND  
6 SECTION 21-23-7, MISSISSIPPI CODE OF 1972, TO MAKE MINOR  
7 NONSUBSTANTIVE CHANGES; TO BRING FORWARD SECTION 45-27-21,  
8 MISSISSIPPI CODE OF 1972, WHICH REGULATES THE MISSISSIPPI CRIMINAL  
9 INFORMATION CENTER, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD  
10 SECTIONS 99-15-26 AND 99-15-59, MISSISSIPPI CODE OF 1972, WHICH  
11 PROVIDES EXPUNGEMENT OF RECORDS OF ANY CASE IN WHICH CHARGES ARE  
12 DISMISSED, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTION  
13 99-19-72, MISSISSIPPI CODE OF 1972, WHICH PROVIDES PETITION FEES  
14 FOR EXPUNCTION, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD  
15 SECTION 47-5-28, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE  
16 DUTIES OF THE COMMISSIONER OF THE MISSISSIPPI DEPARTMENT OF  
17 CORRECTIONS, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTIONS  
18 45-27-7, 45-34-3, 45-1-45, AND 45-27-9, MISSISSIPPI CODE OF 1972,  
19 FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS  
20 45-27-11 AND 45-34-5, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF  
21 POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 23-15-11, 23-15-19,  
22 23-15-125, 23-15-151, 23-15-153, 23-15-165 AND 97-39-3, WHICH  
23 REGULATE QUALIFIED ELECTORS AND VOTING RIGHTS, FOR PURPOSES OF  
24 AMENDMENT; TO AMEND SECTION 99-19-37, MISSISSIPPI CODE OF 1972, TO  
25 MAKE A MINOR, NONSUBSTANTIVE CHANGE; AND FOR RELATED PURPOSES.

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

27 **SECTION 1.** Section 99-19-71, Mississippi Code of 1972, is  
28 brought forward as follows:



29           99-19-71. (1) Any person who has been convicted of a  
30 misdemeanor that is not a traffic violation, and who is a first  
31 offender, may petition the justice, county, circuit or municipal  
32 court in which the conviction was had for an order to expunge any  
33 such conviction from all public records.

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

43                       (i) A crime of violence as provided in Section  
44 97-3-2;

45                       (ii) Arson, first degree as provided in Sections  
46 97-17-1 and 97-17-3;

47                       (iii) Trafficking in controlled substances as  
48 provided in Section 41-29-139;

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

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



53 (vi) Failure to register as a sex offender as  
54 provided in Section 45-33-33;  
55 (vii) Voyeurism as provided in Section 97-29-61;  
56 (viii) Witness intimidation as provided in Section  
57 97-9-113;  
58 (ix) Abuse, neglect or exploitation of a  
59 vulnerable person as provided in Section 43-47-19; or  
60 (x) Embezzlement as provided in Sections 97-11-25  
61 and 97-23-19.

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

67 (b) The petitioner shall give ten (10) days' written  
68 notice to the district attorney before any hearing on the  
69 petition. In all cases, the court wherein the petition is filed  
70 may grant the petition if the court determines, on the record or  
71 in writing, that the applicant is rehabilitated from the offense  
72 which is the subject of the petition. In those cases where the  
73 court denies the petition, the findings of the court in this  
74 respect shall be identified specifically and not generally.

75 (3) Upon entering an order of expunction under this section,  
76 a nonpublic record thereof shall be retained by the Mississippi  
77 Criminal Information Center solely for the purpose of determining



78 whether, in subsequent proceedings, the person is a first  
79 offender. The order of expunction shall not preclude a district  
80 attorney's office from retaining a nonpublic record thereof for  
81 law enforcement purposes only. The existence of an order of  
82 expunction shall not preclude an employer from asking a  
83 prospective employee if the employee has had an order of  
84 expunction entered on his behalf. The effect of the expunction  
85 order shall be to restore the person, in the contemplation of the  
86 law, to the status he occupied before any arrest or indictment for  
87 which convicted. No person as to whom an expunction order has  
88 been entered shall be held thereafter under any provision of law  
89 to be guilty of perjury or to have otherwise given a false  
90 statement by reason of his failure to recite or acknowledge such  
91 arrest, indictment or conviction in response to any inquiry made  
92 of him for any purpose other than the purpose of determining, in  
93 any subsequent proceedings under this section, whether the person  
94 is a first offender. A person as to whom an order has been  
95 entered, upon request, shall be required to advise the court, in  
96 camera, of the previous conviction and expunction in any legal  
97 proceeding wherein the person has been called as a prospective  
98 juror. The court shall thereafter and before the selection of the  
99 jury advise the attorneys representing the parties of the previous  
100 conviction and expunction.

101 (4) Upon petition therefor, a justice, county, circuit or  
102 municipal court shall expunge the record of any case in which an



103 arrest was made, the person arrested was released and the case was  
104 dismissed or the charges were dropped or there was no disposition  
105 of such case, or the person was found not guilty at trial.

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

108 **SECTION 2.** Section 9-11-15, Mississippi Code of 1972, is  
109 brought forward as follows:

110 9-11-15. (1) Justice court judges shall hold regular terms  
111 of their courts, at such times as they may appoint, not exceeding  
112 two (2) and not less than one (1) in every month, at the  
113 appropriate justice court courtroom established by the board of  
114 supervisors; and they may continue to hold their courts from day  
115 to day so long as business may require; and all process shall be  
116 returnable, and all trials shall take place at such regular terms,  
117 except where it is otherwise provided; but where the defendant is  
118 a nonresident or transient person, and it shall be shown by the  
119 oath of either party that a delay of the trial until the regular  
120 term will be of material injury to him, it shall be lawful for the  
121 judge to have the parties brought before him at any reasonable  
122 time and hear the evidence and give judgment or where the  
123 defendant is a nonresident or transient person and the judge and  
124 all parties agree, it shall be lawful for the judge to have the  
125 parties brought before him on the day a citation is made and hear  
126 the evidence and give judgment. Such court shall be a court of  
127 record, with all the power incident to a court of record,



128 including power to fine in the amount of fine and length of  
129 imprisonment as is authorized for a municipal court in Section  
130 21-23-7(11) for contempt of court.

131 (2) (a) In counties with a population of less than one  
132 hundred fifty thousand (150,000), each justice court shall  
133 designate at least one-half (1/2) day each month as a traffic  
134 court day, sufficient to handle the traffic violations docket of  
135 that court, and shall notify all appropriate law enforcement  
136 agencies of the date or dates. On the day or days so designated,  
137 the justice court shall give priority to all cases involving  
138 traffic violations.

139 (b) In counties with a population of one hundred fifty  
140 thousand (150,000) or more, each justice court shall designate at  
141 least one (1) day each month as a traffic court day, sufficient to  
142 handle the traffic violations of that court, and shall notify all  
143 appropriate law enforcement agencies of the date or dates. On the  
144 day or days so designated, the justice court shall give priority  
145 to all cases involving traffic violations. The one (1) day may be  
146 one (1) whole day or it may be divided into half days as long as  
147 one-half (1/2) day is held in the morning and one-half (1/2) day  
148 is held in the afternoon, in the discretion of the court.

149 (3) The justice court may, in its discretion, upon prior  
150 notice to the county prosecutor and upon a showing in open court  
151 of rehabilitation, good conduct for a period of two (2) years  
152 since the last conviction in any court and that the best interest



153 of society would be served, order the record of conviction of a  
154 person of any or all misdemeanors in that court expunged, and upon  
155 so doing, such person thereafter legally stands as though he or  
156 she had never been convicted of the misdemeanor(s) and may  
157 lawfully so respond to any query of prior convictions. This order  
158 of expunction does not apply to the confidential records of law  
159 enforcement agencies and has no effect on the driving record of a  
160 person maintained under Title 63, Mississippi Code of 1972, or any  
161 other provision of said Title 63.

162 (4) Notwithstanding the provisions of subsection (3) of this  
163 section, a person who was convicted in justice court of a  
164 misdemeanor before reaching his twenty-third birthday, excluding  
165 conviction for a traffic violation, and who is a first offender,  
166 may utilize the provisions of Section 99-19-71, to expunge such  
167 misdemeanor conviction.

168 **SECTION 3.** Section 21-23-7, Mississippi Code of 1972, is  
169 amended as follows:

170 21-23-7. (1) The municipal judge shall hold court in a  
171 public building designated by the governing authorities of the  
172 municipality, or may hold court in an adult detention center as  
173 provided under this subsection, and may hold court every day  
174 except Sundays and legal holidays if the business of the  
175 municipality so requires; provided, however, the municipal judge  
176 may hold court outside the boundaries of the municipality but not  
177 more than within a sixty-mile radius of the municipality to handle



178 preliminary matters and criminal matters such as initial  
179 appearances and felony preliminary hearings. The municipal judge  
180 may hold court outside the boundaries of the municipality but not  
181 more than within a one-mile radius of the municipality for any  
182 purpose; however, a municipal judge may hold court outside the  
183 boundaries of the municipality more than within a one-mile radius  
184 of the municipality when accepting a plea of a defendant at an  
185 adult detention center within the county. The municipal judge  
186 shall have the jurisdiction to hear and determine, without a jury  
187 and without a record of the testimony, all cases charging  
188 violations of the municipal ordinances and state misdemeanor laws  
189 made offenses against the municipality and to punish offenders  
190 therefor as may be prescribed by law. Except as otherwise  
191 provided by law, criminal proceedings shall be brought by sworn  
192 complaint filed in the municipal court. Such complaint shall  
193 state the essential elements of the offense charged and the  
194 statute or ordinance relied upon. Such complaint shall not be  
195 required to conclude with a general averment that the offense is  
196 against the peace and dignity of the state or in violation of the  
197 ordinances of the municipality. He may sit as a committing court  
198 in all felonies committed within the municipality, and he shall  
199 have the power to bind over the accused to the grand jury or to  
200 appear before the proper court having jurisdiction to try the  
201 same, and to set the amount of bail or refuse bail and commit the  
202 accused to jail in cases not bailable. The municipal judge is a





203 conservator of the peace within his municipality. He may conduct  
204 preliminary hearings in all violations of the criminal laws of  
205 this state occurring within the municipality, and any person  
206 arrested for a violation of law within the municipality may be  
207 brought before him for initial appearance. The municipal court  
208 shall have jurisdiction of any case remanded to it by a circuit  
209 court grand jury. The municipal court shall have civil  
210 jurisdiction over actions filed pursuant to and as provided in  
211 Chapter 21, Title 93, \* \* \* Mississippi Code of 1972, the  
212 Protection from Domestic Abuse Act.

213 (2) In the discretion of the court, where the objects of  
214 justice would be more likely met, as an alternative to imposition  
215 or payment of fine and/or incarceration, the municipal judge shall  
216 have the power to sentence convicted offenders to work on a public  
217 service project where the court has established such a program of  
218 public service by written guidelines filed with the clerk for  
219 public record. Such programs shall provide for reasonable  
220 supervision of the offender and the work shall be commensurate  
221 with the fine and/or incarceration that would have ordinarily been  
222 imposed. Such program of public service may be utilized in the  
223 implementation of the provisions of Section 99-19-20, and public  
224 service work thereunder may be supervised by persons other than  
225 the sheriff.

226 (3) The municipal judge may solemnize marriages, take oaths,  
227 affidavits and acknowledgments, and issue orders, subpoenas,



228 summonses, citations, warrants for search and arrest upon a  
229 finding of probable cause, and other such process under seal of  
230 the court to any county or municipality, in a criminal case, to be  
231 executed by the lawful authority of the county or the municipality  
232 of the respondent, and enforce obedience thereto. The absence of  
233 a seal shall not invalidate the process.

234 (4) When a person shall be charged with an offense in  
235 municipal court punishable by confinement, the municipal judge,  
236 being satisfied that such person is an indigent person and is  
237 unable to employ counsel, may, in the discretion of the court,  
238 appoint counsel from the membership of The Mississippi Bar  
239 residing in his county who shall represent him. Compensation for  
240 appointed counsel in criminal cases shall be approved and allowed  
241 by the municipal judge and shall be paid by the municipality. The  
242 maximum compensation shall not exceed Two Hundred Dollars  
243 (\$200.00) for any one (1) case. The governing authorities of a  
244 municipality may, in their discretion, appoint a public  
245 defender(s) who must be a licensed attorney and who shall receive  
246 a salary to be fixed by the governing authorities.

247 (5) The municipal judge of any municipality is hereby  
248 authorized to suspend the sentence and to suspend the execution of  
249 the sentence, or any part thereof, on such terms as may be imposed  
250 by the municipal judge. However, the suspension of imposition or  
251 execution of a sentence hereunder may not be revoked after a  
252 period of two (2) years. The municipal judge shall have the power



253 to establish and operate a probation program, dispute resolution  
254 program and other practices or procedures appropriate to the  
255 judiciary and designed to aid in the administration of justice.  
256 Any such program shall be established by the court with written  
257 policies and procedures filed with the clerk of the court for  
258 public record. Subsequent to original sentencing, the municipal  
259 judge, in misdemeanor cases, is hereby authorized to suspend  
260 sentence and to suspend the execution of a sentence, or any part  
261 thereof, on such terms as may be imposed by the municipal judge,  
262 if (a) the judge or his or her predecessor was authorized to order  
263 such suspension when the sentence was originally imposed; and (b)  
264 such conviction (i) has not been appealed; or (ii) has been  
265 appealed and the appeal has been voluntarily dismissed.

266 (6) Upon prior notice to the municipal prosecuting attorney  
267 and upon a showing in open court of rehabilitation, good conduct  
268 for a period of two (2) years since the last conviction in any  
269 court and that the best interest of society would be served, the  
270 court may, in its discretion, order the record of conviction of a  
271 person of any or all misdemeanors in that court expunged, and upon  
272 so doing the said person thereafter legally stands as though he  
273 had never been convicted of the said misdemeanor(s) and may  
274 lawfully so respond to any query of prior convictions. This order  
275 of expunction does not apply to the confidential records of law  
276 enforcement agencies and has no effect on the driving record of a



277 person maintained under Title 63, Mississippi Code of 1972, or any  
278 other provision of said Title 63.

279 (7) Notwithstanding the provisions of subsection (6) of this  
280 section, a person who was convicted in municipal court of a  
281 misdemeanor before reaching his twenty-third birthday, excluding  
282 conviction for a traffic violation, and who is a first offender,  
283 may utilize the provisions of Section 99-19-71, to expunge such  
284 misdemeanor conviction.

285 (8) In the discretion of the court, a plea of nolo  
286 contendere may be entered to any charge in municipal court. Upon  
287 the entry of a plea of nolo contendere the court shall convict the  
288 defendant of the offense charged and shall proceed to sentence the  
289 defendant according to law. The judgment of the court shall  
290 reflect that the conviction was on a plea of nolo contendere. An  
291 appeal may be made from a conviction on a plea of nolo contendere  
292 as in other cases.

293 (9) Upon execution of a sworn complaint charging a  
294 misdemeanor, the municipal court may, in its discretion and in  
295 lieu of an arrest warrant, issue a citation requiring the  
296 appearance of the defendant to answer the charge made against him.  
297 On default of appearance, an arrest warrant may be issued for the  
298 defendant. The clerk of the court or deputy clerk may issue such  
299 citations.

300 (10) The municipal court shall have the power to make rules  
301 for the administration of the court's business, which rules, if



302 any, shall be in writing filed with the clerk of the court and  
303 shall include the enactment of rules related to the court's  
304 authority to issue domestic abuse protection orders pursuant to  
305 Section 93-21-1 et seq.

306 (11) The municipal court shall have the power to impose  
307 punishment of a fine of not more than One Thousand Dollars  
308 (\$1,000.00) or six (6) months imprisonment, or both, for contempt  
309 of court. The municipal court may have the power to impose  
310 reasonable costs of court, not in excess of the following:

311 Dismissal of any affidavit, complaint or charge	
312 in municipal court.....	\$ 50.00
313 Suspension of a minor's driver's license in lieu of	
314 conviction.....	\$ 50.00
315 Service of scire facias or return "not found".....	\$ 20.00
316 Causing search warrant to issue or causing	
317 prosecution without reasonable cause or refusing to	
318 cooperate after initiating action.....	\$ 100.00
319 Certified copy of the court record.....	\$ 5.00
320 Service of arrest warrant for failure to answer	
321 citation or traffic summons.....	\$ 25.00
322 Jail cost per day - actual jail cost paid by the municipality	
323 but not to exceed.....	\$ 35.00
324 Service of court documents related to the filing	
325 of a petition or issuance of a protection from domestic	



326 abuse order under Chapter 21, Title 93, \* \* \* Mississippi Code of  
327 1972 .....\$ 25.00  
328 Any other item of court cost \$ 50.00

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

331 (12) A municipal court judge shall not dismiss a criminal  
332 case but may transfer the case to the justice court of the county  
333 if the municipal court judge is prohibited from presiding over the  
334 case by the Canons of Judicial Conduct and provided that venue and  
335 jurisdiction are proper in the justice court. Upon transfer of  
336 any such case, the municipal court judge shall give the municipal  
337 court clerk a written order to transmit the affidavit or complaint  
338 and all other records and evidence in the court's possession to  
339 the justice court by certified mail or to instruct the arresting  
340 officer to deliver such documents and records to the justice  
341 court. There shall be no court costs charged for the transfer of  
342 the case to the justice court.

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

348 (14) For violations of municipal ordinances related to real  
349 property, the municipal judge shall have the power to order a  
350 defendant to remedy violations within a reasonable time period as



351 set by the judge, and at the discretion of the judge, the judge  
352 may simultaneously authorize the municipality, at its request, the  
353 option to remedy the violation itself, through the use of its own  
354 employees or its contractors, without further notice should the  
355 defendant fail to fully do so within the time period set by the  
356 judge. Subsequent to the municipality remedying the violation,  
357 the municipality may petition the court to assess documented  
358 cleanup costs to the defendant, and, if, following a hearing on  
359 such petition, the judge determines (a) the violations were not  
360 remedied by the defendant within the time required by the court,  
361 (b) that the municipality remedied the violation itself after such  
362 time period expired and (c) that the costs incurred by the  
363 municipality were reasonable, the court may assess the costs to  
364 the defendant as a judgement, which may be enrolled in the office  
365 of the circuit clerk.

366 **SECTION 4.** Section 45-27-21, Mississippi Code of 1972, is  
367 brought forward as follows:

368 45-27-21. A certified copy of every expunction and  
369 nonadjudication order shall be sent by the circuit clerk to the  
370 Mississippi Criminal Information Center where it shall be  
371 maintained in a separate confidential database accessible only  
372 upon written request by a district attorney, a county prosecuting  
373 attorney, a municipal court prosecuting attorney, the Attorney  
374 General of Mississippi and the Mississippi Law Enforcement  
375 Standards and Training Board. Any criminal conviction which has



376 been expunged or nonadjudicated may be used for the purpose of  
377 determining habitual offender status and for the use of the  
378 Mississippi Law Enforcement Standards and Training Board in giving  
379 or retaining law enforcement certification, and to ensure that a  
380 person is only eligible for first-offender status one (1) time.

381 **SECTION 5.** Section 99-15-26, Mississippi Code of 1972, is  
382 brought forward as follows:

383 99-15-26. (1) (a) In all criminal cases, felony and  
384 misdemeanor, other than crimes against the person, a crime of  
385 violence as defined in Section 97-3-2, a violation of Section  
386 97-11-31, or crimes in which a person unlawfully takes, obtains or  
387 misappropriates funds received by or entrusted to the person by  
388 virtue of his or her public office or employment, the circuit or  
389 county court shall be empowered, upon the entry of a plea of  
390 guilty by a criminal defendant made on or after July 1, 2014, to  
391 withhold acceptance of the plea and sentence thereon pending  
392 successful completion of such conditions as may be imposed by the  
393 court pursuant to subsection (2) of this section.

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





400 (c) Notwithstanding paragraph (a) of this subsection  
401 (1), in all criminal cases charging a misdemeanor of domestic  
402 violence as defined in Section 99-3-7(5), a circuit, county,  
403 justice or municipal court shall be empowered, upon the entry of a  
404 plea of guilty by the criminal defendant, to withhold acceptance  
405 of the plea and sentence thereon pending successful completion of  
406 such conditions as may be imposed by the court pursuant to  
407 subsection (2) of this section.

408 (d) No person having previously qualified under the  
409 provisions of this section shall be eligible to qualify for  
410 release in accordance with this section for a repeat offense. A  
411 person shall not be eligible to qualify for release in accordance  
412 with this section if charged with the offense of trafficking of a  
413 controlled substance as provided in Section 41-29-139(f) or if  
414 charged with an offense under the Mississippi Implied Consent Law.  
415 Violations under the Mississippi Implied Consent Law can only be  
416 nonadjudicated under the provisions of Section 63-11-30.

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

420 (i) Reasonable restitution to the victim of the  
421 crime.

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



424 (iii) Payment of a fine not to exceed the  
425 statutory limit.

426 (iv) Successful completion of drug, alcohol,  
427 psychological or psychiatric treatment, successful completion of a  
428 program designed to bring about the cessation of domestic abuse,  
429 or any combination thereof, if the court deems treatment  
430 necessary.

431 (v) The circuit or county court, in its  
432 discretion, may require the defendant to remain in the program  
433 subject to good behavior for a period of time not to exceed five  
434 (5) years. The justice or municipal court, in its discretion, may  
435 require the defendant to remain in the program subject to good  
436 behavior for a period of time not to exceed two (2) years.

437 (b) Conditions which the circuit or county court may  
438 impose under subsection (1) of this section also include  
439 successful completion of an effective evidence-based program or a  
440 properly controlled pilot study designed to contribute to the  
441 evidence-based research literature on programs targeted at  
442 reducing recidivism. Such program or pilot study may be community  
443 based or institutionally based and should address risk factors  
444 identified in a formal assessment of the offender's risks and  
445 needs.

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



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

452 (5) Upon petition therefor, the court shall expunge the  
453 record of any case in which an arrest was made, the person  
454 arrested was released and the case was dismissed or the charges  
455 were dropped, there was no disposition of such case, or the person  
456 was found not guilty at trial.

457 **SECTION 6.** Section 99-15-59, Mississippi Code of 1972, is  
458 brought forward as follows:

459 99-15-59. Any person who is arrested, issued a citation, or  
460 held for any misdemeanor and not formally charged or prosecuted  
461 with an offense within twelve (12) months of arrest, or upon  
462 dismissal of the charge, may apply to the court with jurisdiction  
463 over the matter for the charges to be expunged.

464 **SECTION 7.** Section 99-19-72, Mississippi Code of 1972, is  
465 brought forward as follows:

466 99-19-72. (1) A filing fee of One Hundred Fifty Dollars  
467 (\$150.00) is hereby levied on each petition to expunge an offense  
468 under Section 99-19-71 to be collected by the circuit clerk and  
469 distributed as follows:

470 (a) One Hundred Dollars (\$100.00) to be deposited into  
471 the Judicial System Operation Fund;

472 (b) Forty Dollars (\$40.00) to be deposited into the  
473 District Attorneys Operation Fund; and



474 (c) Ten Dollars (\$10.00) to be retained by the circuit  
475 clerk collecting the fee for administration purposes.

476 (2) From and after July 1, 2016, the expenses of district  
477 attorneys shall be defrayed by appropriation from the State  
478 General Fund and all user charges and fees authorized by  
479 paragraphs (a) and (b) of subsection (1) of this section shall be  
480 deposited into the State General Fund as authorized by law and as  
481 determined by the State Fiscal Officer, and charges and fees  
482 authorized by paragraph (c) of subsection (1) of this section  
483 shall be retained by the circuit clerks for expenditures  
484 authorized by law.

485 **SECTION 8.** Section 47-5-28, Mississippi Code of 1972, is  
486 brought forward as follows:

487 47-5-28. The commissioner shall have the following powers  
488 and duties:

489 (a) To implement and administer laws and policy  
490 relating to corrections and coordinate the efforts of the  
491 department with those of the federal government and other state  
492 departments and agencies, county governments, municipal  
493 governments, and private agencies concerned with providing  
494 offender services;

495 (b) To establish standards, in cooperation with other  
496 state agencies having responsibility as provided by law, provide  
497 technical assistance, and exercise the requisite supervision as it



498 relates to correctional programs over all state-supported adult  
499 correctional facilities and community-based programs;

500 (c) To promulgate and publish such rules, regulations  
501 and policies of the department as are needed for the efficient  
502 government and maintenance of all facilities and programs in  
503 accord insofar as possible with currently accepted standards of  
504 adult offender care and treatment;

505 (d) To provide the Parole Board with suitable and  
506 sufficient office space and support resources and staff necessary  
507 to conduct Parole Board business under the guidance of the  
508 Chairman of the Parole Board;

509 (e) To contract for transitional reentry center beds  
510 that will be used as noncorrections housing for offenders released  
511 from the department on parole, probation or post-release  
512 supervision but do not have appropriate housing available upon  
513 release. At least one hundred (100) but no more than eight  
514 hundred (800) transitional reentry center beds contracted by the  
515 department and chosen by the Parole Board shall be available for  
516 the Parole Board to place parolees without appropriate housing;

517 (f) To designate deputy commissioners while performing  
518 their officially assigned duties relating to the custody, control,  
519 transportation, recapture or arrest of any offender within the  
520 jurisdiction of the department or any offender of any jail,  
521 penitentiary, public workhouse or overnight lockup of the state or  
522 any political subdivision thereof not within the jurisdiction of



523 the department, to the status of peace officers anywhere in the  
524 state in any matter relating to the custody, control,  
525 transportation or recapture of such offender, and shall have the  
526 status of law enforcement officers and peace officers as  
527 contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

528 For the purpose of administration and enforcement of this  
529 chapter, deputy commissioners of the Mississippi Department of  
530 Corrections, who are certified by the Mississippi Board on Law  
531 Enforcement Officer Standards and Training, have the powers of a  
532 law enforcement officer of this state. Such powers shall include  
533 to make arrests and to serve and execute search warrants and other  
534 valid legal process anywhere within the State of Mississippi while  
535 performing their officially assigned duties relating to the  
536 custody, control, transportation, recapture or arrest of any  
537 offender within the jurisdiction of the department or any offender  
538 of any jail, penitentiary, public workhouse or overnight lockup of  
539 the state or any political subdivision thereof not within the  
540 jurisdiction of the department in any matter relating to the  
541 custody, control, transportation or recapture of such offender;

542 (g) To make an annual report to the Governor and the  
543 Legislature reflecting the activities of the department and make  
544 recommendations for improvement of the services to be performed by  
545 the department;



546 (h) To cooperate fully with periodic independent  
547 internal investigations of the department and to file the report  
548 with the Governor and the Legislature;

549 (i) To contract with licensed special care facilities  
550 for paroled inmates to provide authorized medical services and  
551 support services for medically frail inmates who have been paroled  
552 and who have voluntarily submitted to the Department of Corrections  
553 an address to one of the licensed care facilities to receive such  
554 services; and

555 (j) To perform such other duties necessary to  
556 effectively and efficiently carry out the purposes of the  
557 department as may be directed by the Governor.

558 **SECTION 9.** Section 45-27-7, Mississippi Code of 1972, is  
559 brought forward as follows:

560 45-27-7. (1) The Mississippi Justice Information Center  
561 shall:

562 (a) Develop, operate and maintain an information system  
563 which will support the collection, storage, retrieval and  
564 dissemination of all data described in this chapter, consistent  
565 with those principles of scope, security and responsiveness  
566 prescribed by this chapter.

567 (b) Cooperate with all criminal justice agencies within  
568 the state in providing those forms, procedures, standards and  
569 related training assistance necessary for the uniform operation of  
570 the statewide center.



571 (c) Offer assistance and, when practicable, instruction  
572 to all local law enforcement agencies in establishing efficient  
573 local records systems.

574 (d) Make available, upon request, to all local and  
575 state criminal justice agencies, to all federal criminal justice  
576 agencies and to criminal justice agencies in other states any  
577 information in the files of the center which will aid such  
578 agencies in the performance of their official duties. For this  
579 purpose the center shall operate on a twenty-four-hour basis,  
580 seven (7) days a week. Such information, when authorized by the  
581 director of the center, may also be made available to any other  
582 agency of this state or any political subdivision thereof and to  
583 any federal agency, upon assurance by the agency concerned that  
584 the information is to be used for official purposes only in the  
585 prevention or detection of crime or the apprehension of criminal  
586 offenders.

587 (e) Cooperate with other agencies of this state, the  
588 crime information agencies of other states, and the national crime  
589 information center systems of the Federal Bureau of Investigation  
590 in developing and conducting an interstate, national and  
591 international system of criminal identification and records.

592 (f) Make available, upon request, to nongovernmental  
593 entities or employers certain information for noncriminal justice  
594 purposes as specified in Section 45-27-12.





595           (g) Institute necessary measures in the design,  
596 implementation and continued operation of the justice information  
597 system to ensure the privacy and security of the system. Such  
598 measures shall include establishing complete control over use of  
599 and access to the system and restricting its integral resources  
600 and facilities and those either possessed or procured and  
601 controlled by criminal justice agencies. Such security measures  
602 must meet standards developed by the center as well as those set  
603 by the nationally operated systems for interstate sharing of  
604 information.

605           (h) Provide data processing for files listing motor  
606 vehicle drivers' license numbers, motor vehicle registration  
607 numbers, wanted and stolen motor vehicles, outstanding warrants,  
608 identifiable stolen property and such other files as may be of  
609 general assistance to law enforcement agencies; provided, however,  
610 that the purchase, lease, rental or acquisition in any manner of  
611 "computer equipment or services," as defined in Section 25-53-3,  
612 Mississippi Code of 1972, shall be subject to the approval of the  
613 Mississippi Information Technology Services.

614           (i) Maintain a field coordination and support unit  
615 which shall have all the power conferred by law upon any peace  
616 officer of this state.

617           (2) The department, including the investigative division or  
618 the center, may:



619 (a) Obtain and store fingerprints, descriptions,  
620 photographs and any other pertinent identifying data from crime  
621 scenes and on persons who:

622 (i) Have been or are hereafter arrested or taken  
623 into custody in this state:

- 624 1. For an offense which is a felony;  
625 2. For an offense which is a misdemeanor;  
626 3. As a fugitive from justice; or

627 (ii) Are or become habitual offenders; or

628 (iii) Are currently or become confined to any  
629 prison, penitentiary or other penal institution; or

630 (iv) Are unidentified human corpses found in the  
631 state; or

632 (v) Have submitted fingerprints for conducting  
633 criminal history record checks.

634 (b) Compare all fingerprint and other identifying data  
635 received with that already on file and determine whether or not a  
636 criminal record is found for such person, and at once inform the  
637 requesting agency or arresting officer of those facts that may be  
638 disseminated consistent with applicable security and privacy laws  
639 and regulations. A record shall be maintained for a minimum of  
640 one (1) year of the dissemination of each individual criminal  
641 history, including at least the date and recipient of such  
642 information.



643 (c) Establish procedures to respond to those  
644 individuals who file requests to review their own records,  
645 pursuant to Sections 45-27-11 and 45-27-12, and to cooperate in  
646 the correction of the central center records and those of  
647 contributing agencies when their accuracy has been successfully  
648 challenged either through the related contributing agencies or by  
649 court order issued on behalf of an individual.

650 (d) Retain in the system the fingerprints of all law  
651 enforcement officers and part-time law enforcement officers, as  
652 those terms are defined in Section 45-6-3, any fingerprints sent  
653 by the Mississippi State Department of Health, and of all  
654 applicants to law enforcement agencies.

655 (3) There shall be a presumption that a copy of any document  
656 submitted to the center in accordance with the provisions of  
657 Section 45-27-9 that has been processed as set forth in this  
658 chapter and subsequently certified and provided by the center to a  
659 law enforcement agency or a court shall be admissible in any  
660 proceeding without further authentication unless a person  
661 objecting to that admissibility has successfully challenged the  
662 document under the provisions of Section 45-27-11.

663 **SECTION 10.** Section 45-1-45, Mississippi Code of 1972, is  
664 brought forward as follows:

665 45-1-45. (1) The Department of Public Safety shall  
666 implement an Internet-based data and information sharing network  
667 that will allow state and local law enforcement, court personnel,



668 prosecutors and other agencies to exchange and view felony and  
669 misdemeanor information on current and former criminal offenders  
670 through a currently available, near real-time, updated hourly,  
671 nationwide jail database which represents fifty percent (50%) or  
672 more of all incarcerated persons in the country.

673 (2) There is created in the State Treasury a special fund to  
674 be known as the Information Exchange Network Fund. The purpose of  
675 the fund shall be to provide funding for the Web-based information  
676 sharing network required by subsection (1) of this section.

677 Monies from the funds derived from assessments under Section  
678 99-19-73 shall be distributed by the State Treasurer upon warrants  
679 issued by the Department of Public Safety. The fund shall be a  
680 continuing fund, not subject to fiscal-year limitations, and shall  
681 consist of:

- 682 (a) Monies appropriated by the Legislature;
- 683 (b) The interest accruing to the fund;
- 684 (c) Monies received under the provisions of Section  
685 99-19-73;
- 686 (d) Monies received from the federal government;
- 687 (e) Donations; and
- 688 (f) Monies received from such other sources as may be  
689 provided by law.

690 **SECTION 11.** Section 45-27-9, Mississippi Code of 1972, is  
691 brought forward as follows:



692 45-27-9. (1) All criminal justice agencies within the state  
693 shall submit to the center an arrest card that will transmit  
694 fingerprints, descriptions, photographs (when specifically  
695 requested), and other identifying data on persons who have been  
696 lawfully arrested or taken into custody in this state for all  
697 felonies and misdemeanors as described in Section 45-27-7(2)(a).  
698 It shall be the duty of all chiefs of police, sheriffs, district  
699 attorneys, courts, court clerks, judges, parole and probation  
700 officers, wardens or other persons in charge of correctional  
701 institutions in this state to furnish the center with all data  
702 required by the rules duly promulgated under the Administrative  
703 Procedures Act to carry out its responsibilities under this  
704 chapter, and the duty of courts and court clerks to submit a  
705 disposition form for every disposition. It shall be the duty of  
706 all criminal justice agencies within the state to supply the  
707 prosecutor and the proper court with the disposition form that is  
708 attached to the physical arrest card if fingerprints were taken  
709 manually or, if fingerprints were captured digitally, the  
710 disposition form generated by the electronic fingerprint device at  
711 the time of the arrest. The PEER committee may conduct random  
712 review of the records of any agency or clerks referenced in this  
713 subsection (1) to determine whether the duties of such agencies  
714 and clerks are being fulfilled in a timely manner. The PEER  
715 committee, based on its findings, if any, shall recommend measures



716 to ensure that the duties are more effectively carried out in a  
717 timely manner.

718 (2) (a) All persons in charge of law enforcement agencies  
719 shall obtain, or cause to be obtained, fingerprints according to  
720 the fingerprint system of identification established by the  
721 Director of the Federal Bureau of Investigation, full face and  
722 profile photographs (if equipment is available) and other  
723 available identifying data, of each person arrested or taken into  
724 custody for an offense of a type designated in subsection (1) of  
725 this section, of all persons arrested or taken into custody as  
726 fugitives from justice and of all unidentified human corpses in  
727 their jurisdictions, but photographs need not be taken if it is  
728 known that photographs of the type listed, taken within the  
729 previous year, are on file. Any record taken in connection with  
730 any person arrested or taken into custody and subsequently  
731 released without charge or cleared of the offense through court  
732 proceedings shall be purged from the files of the center and  
733 destroyed upon receipt by the center of a lawful expunction order.  
734 All persons in charge of law enforcement agencies shall submit to  
735 the center detailed descriptions of arrests or takings into  
736 custody which result in release without charge or subsequent  
737 exoneration from criminal liability within twenty-four (24) hours  
738 of the release or exoneration.

739 (b) The center will work to secure grant funds to  
740 purchase live scan equipment to be utilized throughout the state.



741 All law enforcement agencies shall utilize any live scan equipment  
742 provided by the center to ensure the most accurate collection of  
743 fingerprints. The center shall coordinate the use of the  
744 equipment with federal, state, county and municipal law  
745 enforcement agencies.

746 (3) Fingerprints and other identifying data required to be  
747 taken under subsection (2) shall be forwarded within twenty-four  
748 (24) hours after taking for filing and classification, but the  
749 period of twenty-four (24) hours may be extended to cover any  
750 intervening holiday or weekend. Photographs taken shall be  
751 forwarded at the discretion of the agency concerned, but, if not  
752 forwarded, the fingerprint record shall be marked "Photo  
753 Available" and the photographs shall be forwarded subsequently if  
754 the center so requests.

755 (4) All persons in charge of law enforcement agencies shall  
756 submit to the center detailed descriptions of arrest warrants and  
757 related identifying data immediately upon determination of the  
758 fact that the warrant cannot be served for the reasons stated. If  
759 the warrant is subsequently served or withdrawn, the law  
760 enforcement agency concerned must immediately notify the center of  
761 the service or withdrawal. Also, the agency concerned must  
762 annually, no later than January 31 of each year and at other times  
763 if requested by the center, confirm all arrest warrants which  
764 continue to be outstanding. Upon receipt of a lawful expunction  
765 order, the center shall purge and destroy files of all data



766 relating to an offense when an individual is subsequently  
767 exonerated from criminal liability of that offense. The center  
768 shall not be liable for the failure to purge, destroy or expunge  
769 any records if an agency or court fails to forward to the center  
770 proper documentation ordering the action.

771 (5) All persons in charge of state correctional institutions  
772 shall obtain fingerprints, according to the fingerprint system of  
773 identification established by the Director of the Federal Bureau  
774 of Investigation or as otherwise directed by the center, and full  
775 face and profile photographs of all persons received on commitment  
776 to the institutions. The prints so taken shall be forwarded to  
777 the center, together with any other identifying data requested,  
778 within ten (10) days after the arrival at the institution of the  
779 person committed. At the time of release, the institution will  
780 again obtain fingerprints, as before, and forward them to the  
781 center within ten (10) days, along with any other related  
782 information requested by the center. The institution shall notify  
783 the center immediately upon the release of the person.

784 (6) All persons in charge of law enforcement agencies, all  
785 court clerks, all municipal justices where they have no clerks,  
786 all justice court judges and all persons in charge of state and  
787 county probation and parole offices, shall supply the center with  
788 the information described in subsections (4) and (10) of this  
789 section on the basis of the forms and instructions for the  
790 disposition form to be supplied by the center.





791 (7) All persons in charge of law enforcement agencies in  
792 this state shall furnish the center with any other identifying  
793 data required in accordance with guidelines established by the  
794 center. All law enforcement agencies and correctional  
795 institutions in this state having criminal identification files  
796 shall cooperate in providing the center with copies of the items  
797 in the files which will aid in establishing the nucleus of the  
798 state criminal identification file.

799 (8) All law enforcement agencies within the state shall  
800 report to the center, in a manner prescribed by the center, all  
801 persons wanted by and all vehicles and identifiable property  
802 stolen from their jurisdictions. The report shall be made as soon  
803 as is practical after the investigating department or agency  
804 either ascertains that a vehicle or identifiable property has been  
805 stolen or obtains a warrant for an individual's arrest or  
806 determines that there are reasonable grounds to believe that the  
807 individual has committed a crime. The report shall be made within  
808 a reasonable time period following the reporting department's or  
809 agency's determination that it has grounds to believe that a  
810 vehicle or property was stolen or that the wanted person should be  
811 arrested.

812 (9) All law enforcement agencies in the state shall  
813 immediately notify the center if at any time after making a report  
814 as required by subsection (8) of this section it is determined by  
815 the reporting department or agency that a person is no longer



816 wanted or that a vehicle or property stolen has been recovered.  
817 Furthermore, if the agency making the apprehension or recovery is  
818 not the one which made the original report, then it shall  
819 immediately notify the originating agency of the full particulars  
820 relating to the apprehension or recovery using methods prescribed  
821 by the center.

822 (10) All law enforcement agencies in the state and clerks of  
823 the various courts shall promptly report to the center all  
824 instances where records of convictions of criminals are ordered  
825 expunged by courts of this state as now provided by law. The  
826 center shall promptly expunge from the files of the center and  
827 destroy all records pertaining to any convictions that are ordered  
828 expunged by the courts of this state as provided by law.

829 (11) The center shall not be held liable for the failure to  
830 purge, destroy or expunge records if an agency or court fails to  
831 forward to the center proper documentation ordering the action.

832 (12) Any criminal justice department or agency making an  
833 expenditure in excess of Five Thousand Dollars (\$5,000.00) in any  
834 calendar year on software or programming upgrades concerning a  
835 computerized records management system or jail management system  
836 shall ensure that the new or upgraded system is formatted to  
837 Department of Justice approved XML format and that no impediments  
838 to data sharing with other agencies or departments exist in the  
839 software programming.



840 (13) (a) All law enforcement agencies within the state  
841 shall:

842 (i) Implement an incident-based reporting system  
843 within the agency or department that meets the reporting  
844 requirements of the National Incident-Based Reporting System  
845 (NIBRS) of the Uniform Crime Reporting Program of the Federal  
846 Bureau of Investigation;

847 (ii) Use the system described by subparagraph (i)  
848 to submit to the center information and statistics concerning  
849 criminal offenses committed in the jurisdiction of the local law  
850 enforcement agency, in a manner prescribed by the center; and

851 (iii) Report the information as soon as is  
852 practicable after the investigating agency or department  
853 ascertains that a qualifying crime has been committed in its  
854 jurisdiction, once the state-level NIBRS Repository is available.

855 (b) No later than December 31, 2025, state and local  
856 law enforcement agencies shall be compliant with all regulations  
857 promulgated by the Department of Public Safety's Criminal  
858 Information Center (CIC), with consultation with the President of  
859 the Sheriffs Association and Mississippi Association of Chiefs of  
860 Police with regard to the National Incident-Based Reporting System  
861 (NIBRS) of the Uniform Crime Reporting Program of the Federal  
862 Bureau of Investigation.

863 **SECTION 12.** Section 45-34-3, Mississippi Code of 1972, is  
864 brought forward as follows:



865 45-34-3. (1) The department shall post a publicly  
866 accessible registry online of all offenders by July 1, 2024.

867 (2) (a) The list must include the offender's full legal  
868 name, any aliases by which the offender is or has been known,  
869 including any online or internet identifiers and the offender's  
870 date of birth.

871 (b) The list shall not include the offender's social  
872 security number, driver's license number, any other state or  
873 federal identification number, physical address or telephone  
874 numbers.

875 (3) (a) No offender shall be removed from the registry  
876 unless and until all fines, penalties and restitution resulting  
877 from conviction have been paid and proof of same provided to the  
878 department.

879 (b) If the offender is not convicted of another  
880 registrable offense while listed and if all fines, penalties and  
881 restitution have been paid, the department shall remove the  
882 offender's information from the list after either five (5) years  
883 from the date of the offender's conviction or five (5) years from  
884 the date of an offender's release from physical incarceration,  
885 whichever is later.

886 (c) Notwithstanding paragraphs (a) and (b) of this  
887 subsection, a person who has served any sentence imposed and paid  
888 all fines, penalties and any restitution ordered may petition the  
889 department to be removed from the list after the satisfaction of



890 the conditions of this paragraph (c). Upon receipt and  
891 confirmation of a true and correct petition, the department shall  
892 remove the offender from the registry.

893 **SECTION 13.** Section 45-27-11, Mississippi Code of 1972, is  
894 brought forward as follows:

895 45-27-11. The center shall make a person's criminal records  
896 available for inspection by him or his attorney upon written  
897 request. Prior to inspection, the person must submit a set of  
898 fingerprints, sign a written authorization for the records check,  
899 and provide any other identifying information required by the  
900 center. Should such person or his attorney contest the accuracy  
901 of any portion of such records, the center shall make available to  
902 such person or his attorney a copy of the contested record upon  
903 written application identifying the portion of the record  
904 contested and showing the reason for the contest of accuracy.  
905 Forms, procedures, fees, identification and other related aspects  
906 pertinent to such access may be prescribed by the center in making  
907 access available.

908 If an individual believes such information to be inaccurate  
909 or incomplete, he may request the original agency having custody  
910 or control of the records to purge, modify or supplement them and  
911 to so notify the center of such changes. Should the agency  
912 decline to so act or should the individual believe the agency's  
913 decision to be otherwise unsatisfactory, the individual or his  
914 attorney may within thirty (30) days of such decision enter an



915 appeal to the county or circuit court of the county of his  
916 residence or to such court in the county where such agency exists.  
917 The court in each such case shall conduct a de novo hearing and  
918 may order such relief as it finds to be required by law. Such  
919 appeals shall be entered in the same manner as other appeals are  
920 entered.

921       Should the record in question be found to be inaccurate or  
922 incomplete, the court shall order it to be appropriately expunged,  
923 modified or supplemented by an explanatory notation. Each agency  
924 or individual in the state with custody, possession or control of  
925 any such record shall promptly cause each and every copy thereof  
926 in his custody, possession or control to be altered in accordance  
927 with the court's order. Notification of each such deletion,  
928 amendment and supplementary notation shall be promptly  
929 disseminated to any individuals or agencies to which the records  
930 in question have been communicated as well as to the individual  
931 whose records have been ordered so altered. The center shall not  
932 be held liable for the failure to modify, supplement, destroy or  
933 expunge records if an agency or court fails to forward to the  
934 center proper documentation ordering such action.

935       Agencies, including the center, at which criminal offender  
936 records are sought to be inspected may prescribe reasonable hours  
937 and places of inspection and may impose such additional  
938 procedures, fees or restrictions, including fingerprinting, as are  
939 reasonably necessary both to assure the record's security, to



940 verify the identities of those who seek to inspect them and to  
941 maintain an orderly and efficient mechanism for such access.

942         **SECTION 14.** Section 45-34-5, Mississippi Code of 1972, is  
943 brought forward as follows:

944             45-34-5. (1) The department shall maintain the registry on  
945 the internet, which shall contain a disclaimer informing the  
946 public that:

947                     (a) The information contained on the website is  
948 obtained from public records, and the department does not  
949 guarantee the website's accuracy or completeness;

950                     (b) The list only includes persons convicted in  
951 Mississippi state courts of a limited list of crimes. Persons who  
952 are convicted in any federal court, or who are convicted of a  
953 crime other than a registrable offense will not appear on the  
954 registry.

955             (2) The department and any individual or entity acting at  
956 the request or upon the direction of the department are immune  
957 from civil liability for damages arising from reporting  
958 information under this chapter and will be presumed to have acted  
959 in good faith in performing its duties under this chapter.

960         **SECTION 15.** Section 23-15-11, Mississippi Code of 1972, is  
961 brought forward as follows:

962             23-15-11. Every inhabitant of this state, except persons  
963 adjudicated to be non compos mentis, who is a citizen of the  
964 United States of America, eighteen (18) years old and upwards, who



965 has resided in this state for thirty (30) days and for thirty (30)  
966 days in the county in which he or she seeks to vote, and for  
967 thirty (30) days in the incorporated municipality in which he or  
968 she seeks to vote, and who has been duly registered as an elector  
969 under Section 23-15-33, and who has never been convicted of vote  
970 fraud or of any crime listed in Section 241, Mississippi  
971 Constitution of 1890, shall be a qualified elector in and for the  
972 county, municipality and voting precinct of his or her residence,  
973 and shall be entitled to vote at any election upon compliance with  
974 Section 23-15-563. If the thirtieth day to register before an  
975 election falls on a Sunday or legal holiday, the registration  
976 applications submitted on the business day immediately following  
977 the Sunday or legal holiday shall be accepted and entered in the  
978 Statewide Elections Management System for the purpose of enabling  
979 voters to vote in the next election. Any person who will be  
980 eighteen (18) years of age or older on or before the date of the  
981 general election and who is duly registered to vote not less than  
982 thirty (30) days before the primary election associated with the  
983 general election, may vote in the primary election even though the  
984 person has not reached his or her eighteenth birthday at the time  
985 that the person seeks to vote at the primary election. No others  
986 than those specified in this section shall be entitled, or shall  
987 be allowed, to vote at any election.

988         **SECTION 16.** Section 23-15-19, Mississippi Code of 1972, is  
989 brought forward as follows:





990           23-15-19. Any person who has been convicted of vote fraud or  
991 any crime listed in Section 241, Mississippi Constitution of 1890,  
992 such crimes defined as "disenfranchising," shall not be  
993 registered, or if registered the name of the person shall be  
994 removed from the Statewide Elections Management System by the  
995 registrar or the election commissioners of the county of his or  
996 her residence. Whenever any person shall be convicted in the  
997 circuit court of his or her county of a disenfranchising crime,  
998 the county registrar shall thereupon remove his or her name from  
999 the Statewide Elections Management System; and whenever any person  
1000 shall be convicted of a disenfranchising crime in any other court  
1001 of any county, the presiding judge of the court shall, on demand,  
1002 certify the fact in writing to the registrar of the county in  
1003 which the voter resides, who shall thereupon remove the name of  
1004 the person from the Statewide Elections Management System and  
1005 retain the certificate as a record of his or her office.

1006           **SECTION 17.** Section 23-15-125, Mississippi Code of 1972, is  
1007 brought forward as follows:

1008           23-15-125. The pollbook of each voting precinct shall  
1009 designate the voting precinct for which it is to be used, and  
1010 shall be ruled in appropriate columns, with printed or written  
1011 headings, as follows: date of registration; voter registration  
1012 number; name of electors; date of birth; and a number of blank  
1013 columns for the dates of elections. All qualified applicants who  
1014 register with the registrar shall be entered in the Statewide



1015 Elections Management System. Only the names of those qualified  
1016 applicants who register within thirty (30) days before an election  
1017 shall appear on the pollbooks of the election; however, if the  
1018 thirtieth day to register before an election falls on a Sunday or  
1019 legal holiday, the registration applications submitted on the  
1020 business day immediately following the legal holiday shall be  
1021 accepted and entered in the Statewide Elections Management System  
1022 for the purpose of enabling voters to vote in the next election.  
1023 When county election commissioners determine that any elector is  
1024 disqualified from voting, by reason of death, conviction of a  
1025 disenfranchising crime, removal from the jurisdiction, failure to  
1026 comply with the provisions of Section 23-15-152, or other legal  
1027 cause, that fact shall be noted in the Statewide Elections  
1028 Management System and the voter's name shall be purged from the  
1029 Statewide Elections Management System, the state's voter roll and  
1030 the county's pollbooks. Nothing in this section shall preclude  
1031 the use of electronic pollbooks.

1032       **SECTION 18.** Section 23-15-151, Mississippi Code of 1972, is  
1033 brought forward as follows:

1034       23-15-151. The circuit clerk of each county is authorized  
1035 and directed to prepare and keep in his or her office a full and  
1036 complete list, in alphabetical order, of persons convicted of  
1037 voter fraud or of any crime listed in Section 241, Mississippi  
1038 Constitution of 1890. A certified copy of any enrollment by one  
1039 clerk to another will be sufficient authority for the enrollment



1040 of the name, or names, in another county. A list of persons  
1041 convicted of voter fraud, any crime listed in Section 241,  
1042 Mississippi Constitution of 1890, or any crime interpreted as  
1043 disenfranchising in later Attorney General opinions, shall also be  
1044 entered into the Statewide Elections Management System on a  
1045 quarterly basis. Voters who have been convicted in a Mississippi  
1046 state court of any disenfranchising crime are not qualified  
1047 electors as defined by Section 23-15-11 and shall be purged or  
1048 otherwise removed by the county registrar or county election  
1049 commissioners from the Statewide Elections Management System.

1050       **SECTION 19.** Section 23-15-153, Mississippi Code of 1972, is  
1051 brought forward as follows:

1052       23-15-153. (1) At least during the following times, the  
1053 election commissioners shall meet at the office of the registrar  
1054 or the office of the election commissioners to carefully revise  
1055 the county voter roll as electronically maintained by the  
1056 Statewide Elections Management System and remove from the roll the  
1057 names of all voters who have requested to be purged from the voter  
1058 roll, died, received an adjudication of non compos mentis, been  
1059 convicted of a disenfranchising crime, failed to comply with the  
1060 provisions of Section 23-15-152, or otherwise become disqualified  
1061 as electors for any cause, and shall register the names of all  
1062 persons who have duly applied to be registered but have been  
1063 illegally denied registration:



1064 (a) On the Tuesday after the second Monday in January  
1065 1987 and every following year;

1066 (b) On the first Tuesday in the month immediately  
1067 preceding the first primary election for members of Congress in  
1068 the years when members of Congress are elected;

1069 (c) On the first Monday in the month immediately  
1070 preceding the first primary election for state, state district  
1071 legislative, county and county district offices in the years in  
1072 which those offices are elected; and

1073 (d) On the second Monday of September preceding the  
1074 general election or regular special election day in years in which  
1075 a general election is not conducted.

1076 Except for the names of those voters who are duly qualified  
1077 to vote in the election, no name shall be permitted to remain in  
1078 the Statewide Elections Management System; however, no name shall  
1079 be purged from the Statewide Elections Management System based on  
1080 a change in the residence of an elector except in accordance with  
1081 procedures provided for by the National Voter Registration Act of  
1082 1993 and as provided in Section 23-15-152. Except as otherwise  
1083 provided by Section 23-15-573, no person shall vote at any  
1084 election whose name is not in the county voter roll electronically  
1085 maintained by the Statewide Elections Management System.

1086 (2) Except as provided in this section, and subject to the  
1087 following annual limitations, the election commissioners shall be  
1088 entitled to receive a per diem in the amount of One Hundred Ten



1089 Dollars (\$110.00), to be paid from the county general fund, for  
1090 every day or period of no less than five (5) hours accumulated  
1091 over two (2) or more days actually employed in the performance of  
1092 their duties in the conduct of an election or actually employed in  
1093 the performance of their duties for the necessary time spent in  
1094 the revision of the county voter roll as electronically maintained  
1095 by the Statewide Elections Management System as required in  
1096 subsection (1) of this section:

1097           (a) In counties having less than fifteen thousand  
1098 (15,000) residents according to the latest federal decennial  
1099 census, not more than fifty (50) days per year, with no more than  
1100 fifteen (15) additional days allowed for the conduct of each  
1101 election in excess of one (1) occurring in any calendar year;

1102           (b) In counties having fifteen thousand (15,000)  
1103 residents according to the latest federal decennial census but  
1104 less than thirty thousand (30,000) residents according to the  
1105 latest federal decennial census, not more than seventy-five (75)  
1106 days per year, with no more than twenty-five (25) additional days  
1107 allowed for the conduct of each election in excess of one (1)  
1108 occurring in any calendar year;

1109           (c) In counties having thirty thousand (30,000)  
1110 residents according to the latest federal decennial census but  
1111 less than seventy thousand (70,000) residents according to the  
1112 latest federal decennial census, not more than one hundred (100)  
1113 days per year, with no more than thirty-five (35) additional days



1114 allowed for the conduct of each election in excess of one (1)  
1115 occurring in any calendar year;

1116 (d) In counties having seventy thousand (70,000)  
1117 residents according to the latest federal decennial census but  
1118 less than ninety thousand (90,000) residents according to the  
1119 latest federal decennial census, not more than one hundred  
1120 twenty-five (125) days per year, with no more than forty-five (45)  
1121 additional days allowed for the conduct of each election in excess  
1122 of one (1) occurring in any calendar year;

1123 (e) In counties having ninety thousand (90,000)  
1124 residents according to the latest federal decennial census but  
1125 less than one hundred seventy thousand (170,000) residents  
1126 according to the latest federal decennial census, not more than  
1127 one hundred fifty (150) days per year, with no more than  
1128 fifty-five (55) additional days allowed for the conduct of each  
1129 election in excess of one (1) occurring in any calendar year;

1130 (f) In counties having one hundred seventy thousand  
1131 (170,000) residents according to the latest federal decennial  
1132 census but less than two hundred thousand (200,000) residents  
1133 according to the latest federal decennial census, not more than  
1134 one hundred seventy-five (175) days per year, with no more than  
1135 sixty-five (65) additional days allowed for the conduct of each  
1136 election in excess of one (1) occurring in any calendar year;

1137 (g) In counties having two hundred thousand (200,000)  
1138 residents according to the latest federal decennial census but



1139 less than two hundred twenty-five thousand (225,000) residents  
1140 according to the latest federal decennial census, not more than  
1141 one hundred ninety (190) days per year, with no more than  
1142 seventy-five (75) additional days allowed for the conduct of each  
1143 election in excess of one (1) occurring in any calendar year;

1144 (h) In counties having two hundred twenty-five thousand  
1145 (225,000) residents according to the latest federal decennial  
1146 census but less than two hundred fifty thousand (250,000)  
1147 residents according to the latest federal decennial census, not  
1148 more than two hundred fifteen (215) days per year, with no more  
1149 than eighty-five (85) additional days allowed for the conduct of  
1150 each election in excess of one (1) occurring in any calendar year;

1151 (i) In counties having two hundred fifty thousand  
1152 (250,000) residents according to the latest federal decennial  
1153 census but less than two hundred seventy-five thousand (275,000)  
1154 residents according to the latest federal decennial census, not  
1155 more than two hundred thirty (230) days per year, with no more  
1156 than ninety-five (95) additional days allowed for the conduct of  
1157 each election in excess of one (1) occurring in any calendar year;

1158 (j) In counties having two hundred seventy-five  
1159 thousand (275,000) residents according to the latest federal  
1160 decennial census or more, not more than two hundred forty (240)  
1161 days per year, with no more than one hundred five (105) additional  
1162 days allowed for the conduct of each election in excess of one (1)  
1163 occurring in any calendar year.



1164           (3) In addition to the number of days authorized in  
1165 subsection (2) of this section, the board of supervisors of a  
1166 county may authorize, in its discretion, the election  
1167 commissioners to receive a per diem in the amount provided for in  
1168 subsection (2) of this section, to be paid from the county general  
1169 fund, for every day or period of no less than five (5) hours  
1170 accumulated over two (2) or more days actually employed in the  
1171 performance of their duties in the conduct of an election or  
1172 actually employed in the performance of their duties for the  
1173 necessary time spent in the revision of the county voter roll as  
1174 electronically maintained by the Statewide Elections Management  
1175 System as required in subsection (1) of this section, not to  
1176 exceed five (5) days.

1177           (4) (a) The election commissioners shall be entitled to  
1178 receive a per diem in the amount of One Hundred Ten Dollars  
1179 (\$110.00), to be paid from the county general fund, not to exceed  
1180 ten (10) days for every day or period of no less than five (5)  
1181 hours accumulated over two (2) or more days actually employed in  
1182 the performance of their duties for the necessary time spent in  
1183 the revision of the county voter roll as electronically maintained  
1184 by the Statewide Elections Management System before any special  
1185 election. For purposes of this paragraph, the regular special  
1186 election day shall not be considered a special election. The  
1187 annual limitations set forth in subsection (2) of this section  
1188 shall not apply to this paragraph.





1189           (b) The election commissioners shall be entitled to  
1190 receive a per diem in the amount of One Hundred Sixty-five Dollars  
1191 (\$165.00), to be paid from the county general fund, for the  
1192 performance of their duties on the day of any primary, runoff,  
1193 general or special election. The annual limitations set forth in  
1194 subsection (2) of this section shall apply to this paragraph.

1195           (5) The election commissioners shall be entitled to receive  
1196 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to  
1197 be paid from the county general fund, not to exceed fourteen (14)  
1198 days for every day or period of no less than five (5) hours  
1199 accumulated over two (2) or more days actually employed in the  
1200 performance of their duties for the necessary time spent in the  
1201 revision of the county voter roll as electronically maintained by  
1202 the Statewide Elections Management System and in the conduct of a  
1203 runoff election following either a general or special election.

1204           (6) The election commissioners shall be entitled to receive  
1205 only one (1) per diem payment for those days when the election  
1206 commissioners discharge more than one (1) duty or responsibility  
1207 on the same day.

1208           (7) The election commissioners shall be entitled to receive  
1209 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to  
1210 be paid from the county general fund, not to exceed five (5) days  
1211 for every day or period of no less than five (5) hours accumulated  
1212 over two (2) or more days for those days when the election



1213 commissioners shall be required to conduct an audit of an election  
1214 as provided in Section 23-15-615.

1215 (8) In preparation for a municipal primary, runoff, general  
1216 or special election, the county registrar shall generate and  
1217 distribute the master voter roll and pollbooks from the Statewide  
1218 Elections Management System for the municipality located within  
1219 the county. The municipality shall pay the county registrar for  
1220 the actual cost of preparing and printing the municipal master  
1221 voter roll pollbooks. A municipality may secure "read only"  
1222 access to the Statewide Elections Management System and print its  
1223 own pollbooks using this information.

1224 (9) County election commissioners who perform the duties of  
1225 an executive committee with regard to the conduct of a primary  
1226 election under a written agreement authorized by law to be entered  
1227 into with an executive committee shall receive per diem as  
1228 provided for in subsection (2) of this section. The days that  
1229 county election commissioners are employed in the conduct of a  
1230 primary election shall be treated the same as days county election  
1231 commissioners are employed in the conduct of other elections.

1232 (10) In addition to any per diem authorized by this section,  
1233 any election commissioner shall be entitled to the mileage  
1234 reimbursement rate allowable to federal employees for the use of a  
1235 privately owned vehicle while on official travel on election day.

1236 (11) Every election commissioner shall sign personally a  
1237 certification setting forth the number of hours actually worked in



1238 the performance of the commissioner's official duties and for  
 1239 which the commissioner seeks compensation. The certification must  
 1240 be on a form as prescribed in this subsection. The commissioner's  
 1241 signature is, as a matter of law, made under the commissioner's  
 1242 oath of office and under penalties of perjury.

1243 The certification form shall be as follows:

1244 **COUNTY ELECTION COMMISSIONER**

1245 **PER DIEM CLAIM FORM**

1246 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

1247 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

1248 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

1249		PURPOSE	APPLICABLE	ACTUAL	PER DIEM
1250	DATE	BEGINNING	ENDING	OF	MS CODE
1251	WORKED	TIME	TIME	WORK	SECTION
1252					
1253					
1254					

1255 TOTAL NUMBER OF PER DIEM DAYS EARNED  
 1256 EXCLUDING ELECTION DAYS \_\_\_\_\_

1257 PER DIEM RATE PER DAY EARNED X \$110.00

1258 TOTAL NUMBER PER DIEM DAYS EARNED  
 1259 FOR ELECTION DAYS \_\_\_\_\_

1260 PER DIEM RATE PER DAY EARNED X \$165.00

1261 TOTAL AMOUNT OF PER DIEM CLAIMED \$ \_\_\_\_\_



1262 I understand that I am signing this document under my oath as  
1263 an election commissioner and under penalties of perjury.

1264 I understand that I am requesting payment from taxpayer funds  
1265 and that I have an obligation to be specific and truthful as to  
1266 the amount of hours worked and the compensation I am requesting.

1267 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

1268 \_\_\_\_\_

1269 Commissioner's Signature

1270 When properly completed and signed, the certification must be  
1271 filed with the clerk of the county board of supervisors before any  
1272 payment may be made. The certification will be a public record  
1273 available for inspection and reproduction immediately upon the  
1274 oral or written request of any person.

1275 Any person may contest the accuracy of the certification in  
1276 any respect by notifying the chair of the commission, any member  
1277 of the board of supervisors or the clerk of the board of  
1278 supervisors of the contest at any time before or after payment is  
1279 made. If the contest is made before payment is made, no payment  
1280 shall be made as to the contested certificate until the contest is  
1281 finally disposed of. The person filing the contest shall be  
1282 entitled to a full hearing, and the clerk of the board of  
1283 supervisors shall issue subpoenas upon request of the contestor  
1284 compelling the attendance of witnesses and production of documents  
1285 and things. The contestor shall have the right to appeal de novo  
1286 to the circuit court of the involved county, which appeal must be



1287 perfected within thirty (30) days from a final decision of the  
1288 commission, the clerk of the board of supervisors or the board of  
1289 supervisors, as the case may be.

1290 Any contestor who successfully contests any certification  
1291 will be awarded all expenses incident to his or her contest,  
1292 together with reasonable attorney's fees, which will be awarded  
1293 upon petition to the chancery court of the involved county upon  
1294 final disposition of the contest before the election commission,  
1295 board of supervisors, clerk of the board of supervisors, or, in  
1296 case of an appeal, final disposition by the court. The  
1297 commissioner against whom the contest is decided shall be liable  
1298 for the payment of the expenses and attorney's fees, and the  
1299 county shall be jointly and severally liable for same.

1300 (12) Any election commissioner who has not received a  
1301 certificate issued by the Secretary of State pursuant to Section  
1302 23-15-211 indicating that the election commissioner has received  
1303 the required elections seminar instruction and that the election  
1304 commissioner is fully qualified to conduct an election, shall not  
1305 receive any compensation authorized by this section or Section  
1306 23-15-239.

1307 **SECTION 20.** Section 23-15-165, Mississippi Code of 1972, is  
1308 brought forward as follows:

1309 23-15-165. (1) The Office of the Secretary of State, in  
1310 cooperation with the county registrars and election commissioners,  
1311 shall procure, implement and maintain an electronic information



1312 processing system and programs capable of maintaining a  
1313 centralized database of all registered voters in the state. The  
1314 system shall encompass software and hardware, at both the state  
1315 and county level, software development training, conversion and  
1316 support and maintenance for the system. The Secretary of State  
1317 shall equip the Statewide Elections Management System with  
1318 appropriate security measures to protect private information of  
1319 the registered voter and the integrity of Mississippi elections.  
1320 This system shall be known as the "Statewide Elections Management  
1321 System" and shall constitute the official record of registered  
1322 voters in every county of the state.

1323 (2) The Office of the Secretary of State shall develop and  
1324 implement the Statewide Elections Management System so that the  
1325 registrar and election commissioners of each county shall:

1326 (a) Verify that an applicant that is registering to  
1327 vote in that county is not registered to vote in another county;

1328 (b) Be notified automatically that a registered voter  
1329 in its county has registered to vote in another county;

1330 (c) Receive regular reports of death, changes of  
1331 address and convictions for disenfranchising crimes that apply to  
1332 voters registered in the county;

1333 (d) Retain all present functionality related to, but  
1334 not limited to, the use of voter roll data and to implement such  
1335 other functionality as the law requires to enhance the maintenance



1336 of accurate county voter records and related jury selection and  
1337 redistricting programs; and

1338 (e) When evidence exists that a registered voter may  
1339 not be a citizen of the United States as provided in Section  
1340 23-15-15, send notification to the registrar of the location where  
1341 the person is registered to vote.

1342 (3) As a part of the procurement and implementation of the  
1343 system, the Office of the Secretary of State shall, with the  
1344 assistance of the advisory committee, procure services necessary  
1345 to convert current voter registration records in the counties into  
1346 a standard, industry accepted file format that can be used on the  
1347 Statewide Elections Management System. Thereafter, all official  
1348 voter information shall be maintained on the Statewide Elections  
1349 Management System. The standard industry accepted format of data  
1350 was reviewed and approved by a majority of the advisory committee  
1351 created in subsection (5) of this section after consultation with  
1352 the Circuit Clerks Association and the format may not be changed  
1353 without consulting the Circuit Clerks Association.

1354 (4) The Secretary of State may, with the assistance of the  
1355 advisory committee, adopt rules and regulations necessary to  
1356 administer the Statewide Elections Management System. The rules  
1357 and regulations shall at least:

1358 (a) Provide for the establishment and maintenance of a  
1359 centralized database for all voter registration information in the  
1360 state;



1361 (b) Provide procedures for integrating data into the  
1362 centralized database;

1363 (c) Provide security to ensure that only the registrar,  
1364 or his or her designee or other appropriate official, as the law  
1365 may require, can add information to, delete information from and  
1366 modify information in the system;

1367 (d) Provide the registrar or his or her designee or  
1368 other appropriate official, as the law may require, access to the  
1369 system at all times, including the ability to download copies of  
1370 the industry standard file, for all purposes related to their  
1371 official duties, including, but not limited to, exclusive access  
1372 for the purpose of printing all local pollbooks;

1373 (e) Provide security and protection of all information  
1374 in the system and monitor the system to ensure that unauthorized  
1375 access is not allowed;

1376 (f) Provide a procedure that will allow the registrar,  
1377 or his or her designee or other appropriate official, as the law  
1378 may require, to identify the precinct to which a voter should be  
1379 assigned; and

1380 (g) Provide a procedure for phasing in or converting  
1381 existing manual and computerized voter registration systems in  
1382 counties to the Statewide Elections Management System.

1383 (5) The Secretary of State established an advisory committee  
1384 to assist in developing system specifications, procurement,  
1385 implementation and maintenance of the Statewide Elections





1386 Management System. The committee included two (2) representatives  
1387 from the Circuit Clerks Association, appointed by the association;  
1388 two (2) representatives from the Election Commissioners  
1389 Association of Mississippi, appointed by the association; one (1)  
1390 member of the Mississippi Association of Supervisors, or its  
1391 staff, appointed by the association; the Director of the Stennis  
1392 Institute of Government at Mississippi State University, or his or  
1393 her designee; the Executive Director of the Department of  
1394 Information Technology Services, or his or her designee; two (2)  
1395 persons knowledgeable about elections and information technology  
1396 appointed by the Secretary of State; and the Secretary of State,  
1397 who shall serve as the chair of the advisory committee.

1398 (6) (a) Social security numbers, telephone numbers, email  
1399 addresses, and date of birth and age information in statewide,  
1400 district, county and municipal voter registration files shall be  
1401 exempt from and shall not be subject to inspection, examination,  
1402 copying or reproduction under the Mississippi Public Records Act  
1403 of 1983.

1404 (b) Copies of statewide, district, county or municipal  
1405 voter registration files, excluding social security numbers,  
1406 telephone numbers, email addresses, and date of birth and age  
1407 information, shall be provided to any person in accordance with  
1408 the Mississippi Public Records Act of 1983 at a cost not to exceed  
1409 the actual cost of production.



1410           **SECTION 21.** Section 97-39-3, Mississippi Code of 1972, is  
1411 brought forward as follows:

1412           97-39-3. If any person shall fight a duel, or give or accept  
1413 a challenge to fight a duel, or knowingly carry or deliver such  
1414 challenge or the acceptance thereof, or be second to either party  
1415 to any duel, whether such act be done in the state or out of it,  
1416 or who shall go out of the state to fight a duel, or to assist in  
1417 the same as second, or to send, accept, or carry a challenge,  
1418 shall be disqualified from holding any office, be disenfranchised,  
1419 and incapable of holding or being elected to any post of honor,  
1420 profit or emolument, civil or military, under the constitution and  
1421 laws of this state; and the appointment of any such person to  
1422 office, as also all votes given to any such person, are illegal,  
1423 and none of the votes given to such person for any office shall be  
1424 taken or counted.

1425           **SECTION 22.** Section 99-19-37, Mississippi Code of 1972, is  
1426 amended as follows:

1427           99-19-37. (1) Any person who has lost the right of suffrage  
1428 by reason of conviction of crime and has not been pardoned  
1429 therefrom, who thereafter served honorably in any branch of the  
1430 Armed Forces of the United States during the periods of World War  
1431 I or World War II as hereinafter defined and shall have received  
1432 an honorable discharge, or release therefrom, shall by reason of  
1433 such honorable service, have the full right of suffrage restored,



1434 provided, however, this does not apply to any one having an  
1435 unfinished or suspended sentence.

1436 (2) For the purposes of this section the period of World War  
1437 I shall be from April 6, 1917 to December 1, 1918, and the period  
1438 of World War II shall be from December 7, 1941 to December 31,  
1439 1946.

1440 (3) In order to have restored, and to exercise, the right of  
1441 franchise under the provisions of this section a person affected  
1442 hereby shall have his or her discharge, or release, from the Armed  
1443 Forces of the United States recorded in the office of the chancery  
1444 clerk of the county in which such person desires to exercise the  
1445 right of franchise and if such discharge, or release, appears to  
1446 be an honorable discharge, or release, and shows such person to  
1447 have served honorably during either of the periods stated in  
1448 subsection (2) of this section such person shall have the full  
1449 right of suffrage restored as though an act had been passed by the  
1450 Legislature in accordance with Section 253 of the Constitution of  
1451 the State of Mississippi restoring the right of suffrage to such  
1452 person.

1453 **SECTION 23.** This act shall take effect and be in force from  
1454 and after July 1, 2024.

