

By: Senator(s) Wiggins

To: Judiciary, Division B

SENATE BILL NO. 2610

1 AN ACT TO ENACT THE MISSISSIPPI CLEAN SLATE ACT TO PROVIDE
2 FOR THE AUTOMATIC EXPUNGEMENT OF CERTAIN MISDEMEANOR CONVICTIONS
3 AND MISDEMEANOR RECORDS; TO PROVIDE FOR THE EFFECT OF THE
4 EXPUNGEMENT; TO PROVIDE FOR THE REINSTATEMENT OF CERTAIN
5 CONVICTIONS; TO AMEND SECTION 45-27-21, MISSISSIPPI CODE OF 1972,
6 TO CONFORM; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** This act shall be known and may be cited as the
9 "Mississippi Clean Slate Act."

10 **SECTION 2.** (1) Subject to appropriation by the Legislature,
11 a misdemeanor conviction for an offense for which the maximum
12 punishment is imprisonment for not more than sixty (60) days is
13 expunged under this section by operation of law if seven (7) years
14 have passed from the imposition of the sentence. Each court shall
15 notify the arresting law enforcement agency of each conviction on
16 or before the tenth day of each month that is expunged under this
17 subsection for the preceding month. Each law enforcement agency
18 need not retain and shall make nonpublic the notification that the
19 conviction has been expunged, and the record of the arrest,



20 fingerprinting, conviction, and sentence of the person in the case
21 to which the notification applies.

22 (2) Subject to appropriation by the Legislature, a
23 conviction for a misdemeanor offense for which the maximum
24 punishment is imprisonment for not more than sixty (60) days that
25 is recorded and maintained in the Criminal Information Center
26 database is expunged under this section by operation of law if
27 seven (7) years have passed from the imposition of the sentence.

28 (3) Subject to appropriation by the Legislature and
29 subsections (4), (5) and (6) of this section, a conviction for a
30 misdemeanor offense for which the maximum punishment is
31 imprisonment for sixty (60) days or more that is recorded and
32 maintained in the Criminal Information Center database is expunged
33 under this section by operation of law if seven (7) years have
34 passed from the imposition of the sentence. Four (4) misdemeanor
35 convictions total that are recorded and maintained in the Criminal
36 Information Center database may be expunged under this section
37 during the lifetime of an individual under the authority of this
38 subsection.

39 (4) A conviction is not expunged under subsection (3) of
40 this section unless all of the following apply:

41 (a) The applicable time period required under
42 subsection (3) of this section has elapsed;

43 (b) There are no criminal charges pending in the
44 Criminal Information Center database against the applicant; and



45 (c) The applicant has not been convicted of any
46 criminal offense that is recorded and maintained in the Criminal
47 Information Center database during the applicable time period
48 required under subsection (3) of this section.

49 (5) Subsection (3) of this section does not apply to an
50 individual who has more than one (1) conviction for a crime of
51 violence as defined by Section 97-3-2 or an attempted crime of
52 violence as defined By Section 97-3-2 that is recorded and
53 maintained in the Criminal Information Center database.

54 (6) Subsection (3) of this section does not apply to a
55 conviction recorded and maintained in the Criminal Information
56 Center database for the commission of or attempted commission of
57 any of the following:

- 58 (a) A crime with an element of assault;
- 59 (b) A serious misdemeanor;
- 60 (c) Any violation related to human trafficking;
- 61 (d) Any violation related to sex offense; or
- 62 (e) Any violation related to domestic violence.

63 (7) The Department of Information Technology Services, in
64 conjunction with the Administrative Office of Courts and the
65 Criminal Information Center, shall develop and maintain a
66 computer-based program for the expungement of convictions under
67 this section. In fulfilling its duty under this subsection, the
68 Department of Information Technology Services may contract with a
69 private technical consultant as needed.



70 (8) The expungement of a conviction under this section is
71 subject to reinstatement under Section 4 of this act.

72 (9) An individual whose conviction is expunged under this
73 section impliedly consents to the creation of the nonpublic record
74 under Section 45-27-21.

75 (10) The Department of Public Safety shall create and
76 maintain an electronically accessible record of each conviction
77 recorded and maintained in the Criminal Information Center
78 database that was expunged under this section that must be
79 provided to or accessible by each court in this state. An
80 electronic record created as required under this section may only
81 be used as authorized under Section 45-27-21 and by a court for
82 purposes of updating locally maintained court records.

83 **SECTION 3.** (1) Upon the automatic expungement of a
84 conviction under Section 2 of this act, the applicant, for
85 purposes of the law, is considered not to have been previously
86 convicted, except as provided in this section and Section
87 45-27-21.

88 (2) The applicant is not entitled to the remission of any
89 fine, costs, or other money paid as a consequence of a conviction
90 that is expunged.

91 (3) This act does not affect the right of the applicant to
92 rely upon the conviction to bar subsequent proceedings for the
93 same offense.



94 (4) This act does not affect the right of a victim of a
95 crime to prosecute or defend a civil action for damages.

96 (5) This act does not create a right to commence an action
97 for damages for incarceration under the sentence that the
98 applicant served before the conviction is expunged under this act.

99 (6) This act does not relieve any obligation to pay
100 restitution owed to the victim of a crime nor does it affect the
101 jurisdiction of the convicting court or the authority of any court
102 order with regard to enforcing an order for restitution.

103 (7) A conviction, including any records relating to the
104 conviction and any records concerning a collateral action, that
105 has been expunged under this act cannot be used as evidence in an
106 action for negligent hiring, admission, or licensure against any
107 person.

108 (8) A conviction that is expunged under Section 2 of this
109 act may be considered as a prior conviction by court, law
110 enforcement agency, prosecuting attorney, or the attorney general,
111 as applicable, for purposes of charging a crime as a second or
112 subsequent offense or for sentencing.

113 (9) As used in this section, "applicant" means an individual
114 whose conviction or convictions have been expunged under Section 2
115 of this act.

116 **SECTION 4.** (1) A conviction that was expunged by operation
117 of law under Section 2 of this act shall be reinstated by the
118 court as provided in this section.



119 (2) If it is determined that a conviction was improperly or
120 erroneously expunged under Section 2 of this act because the
121 conviction was not eligible to be expunged under Section 2 of this
122 act, the court shall, on its own motion, reinstate the conviction.

123 (3) Upon a motion by a person owed restitution, or on its
124 own motion, the court shall reinstate a conviction that was
125 expunged under Section 2 of this act for which the individual
126 whose conviction was expunged was ordered to pay restitution if
127 the court determines that the individual owes restitution.

128 **SECTION 5.** All records in a case that resulted in an
129 acquittal on all charges or a case that is dismissed with
130 prejudice shall be automatically expunged by operation of law if
131 the person charged would be eligible for the expungement provided
132 for in Section 2 of this act if the person had been convicted.
133 The Administrative Office of Courts shall promulgate rules and
134 regulations to effectuate the purposes of this section.

135 **SECTION 6.** Section 45-27-21, Mississippi Code of 1972, is
136 amended as follows:

137 45-27-21. A certified copy of every expunction and
138 nonadjudication order and a record of every expungement under
139 Section 2 of this act shall be sent by the circuit clerk to the
140 Mississippi Criminal Information Center where it shall be
141 maintained in a separate confidential database accessible only
142 upon written request by a district attorney, a county prosecuting
143 attorney, a municipal court prosecuting attorney, the Attorney



144 General of Mississippi and the Mississippi Law Enforcement
145 Standards and Training Board. Any criminal conviction which has
146 been expunged or nonadjudicated or expunged may be used for the
147 purpose of determining habitual offender status and for the use of
148 the Mississippi Law Enforcement Standards and Training Board in
149 giving or retaining law enforcement certification, and to ensure
150 that a person is only eligible for first-offender status one (1)
151 time and for compliance with Section 4 of this act.

152 **SECTION 7.** The implementation of this act is subject to
153 appropriation by the Legislature. The Department of Public Safety
154 and the Department of Information Technology Services, the
155 Administrative Office of Courts and the Criminal Information
156 Center shall begin work to implement the provisions of the act
157 immediately upon appropriation.

158 **SECTION 8.** Sections 1 through 6 of this act shall take
159 effect and be in force from and after July 1, 2026. Section 7 of
160 this act shall take effect and be in force from and after its
161 passage.

