

By: Senator(s) Chassaniol

To: Judiciary, Division A

SENATE BILL NO. 2741

1 AN ACT TO AMEND SECTION 99-39-7, MISSISSIPPI CODE OF 1972, TO  
 2 REQUIRE THAT PERMISSION FROM THE SUPREME COURT OF MISSISSIPPI BE  
 3 OBTAINED BEFORE A MOTION FOR POST-CONVICTION COLLATERAL RELIEF MAY  
 4 BE FILED IN A TRIAL COURT IF THE DENIAL OF A PREVIOUS  
 5 POST-CONVICTION MOTION HAS BEEN AFFIRMED ON APPEAL; TO REQUIRE  
 6 THAT PERMISSION FROM THE SUPREME COURT OF MISSISSIPPI BE OBTAINED  
 7 BEFORE A MOTION FOR POST-CONVICTION COLLATERAL RELIEF MAY BE FILED  
 8 IN A TRIAL COURT WHERE MORE THAN THREE YEARS AFTER THE TIME FOR  
 9 TAKING AN APPEAL FROM A JUDGMENT OR CONVICTION HAS ELAPSED; AND  
 10 FOR RELATED PURPOSES.

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

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

14 99-39-7. (1) The motion under this article shall be filed  
 15 as an original civil action in the trial court, except in cases in  
 16 which:

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

20 (b) The denial of a previous post-conviction motion  
 21 filed by the petitioner has been appealed to the Supreme Court of



22 Mississippi and there affirmed on appeal or the appeal dismissed;  
23 or

24 (c) More than three (3) years after the time for taking  
25 an appeal from the judgment or conviction has elapsed.

26 \* \* \* (2) For cases described in subsection (1) of this  
27 section, the motion under this article shall not be filed in the  
28 trial court until the motion shall have first been presented to a  
29 quorum of the Justices of the Supreme Court of Mississippi,  
30 convened for said purpose either in termtime or in vacation, and  
31 an order granted allowing the filing of such motion in the trial  
32 court. The procedure governing applications to the Supreme Court  
33 for leave to file a motion under this article shall be as provided  
34 in Section 99-39-27.

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

