

By: Representatives Nelson, James-Jones

To: Judiciary B

HOUSE BILL NO. 1117

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE AUTOMATIC EXPUNGEMENT OF MISDEMEANORS; TO AMEND
3 SECTIONS 9-11-15 AND 21-23-7, MISSISSIPPI CODE OF 1972, TO CONFORM
4 TO THE PRECEDING SECTION; TO AMEND SECTIONS 99-15-26 AND 99-15-59,
5 MISSISSIPPI CODE OF 1972, TO REQUIRE THE APPROPRIATE COURT TO
6 AUTOMATICALLY EXPUNGE THE RECORD OF ANY CASES IN WHICH AN ARREST
7 WAS MADE, THE PERSON ARRESTED WAS RELEASED AND THE CASE WAS
8 DISMISSED OR THE CHARGES WERE DROPPED, THERE WAS NO DISPOSITION OF
9 SUCH CASE, OR THE PERSON WAS FOUND NOT GUILTY AT TRIAL; TO AMEND
10 SECTION 45-27-9, MISSISSIPPI CODE OF 1972, TO REQUIRE ALL LAW
11 ENFORCEMENT AGENCIES TO REPORT SUCH EXPUNGEMENTS TO THE
12 MISSISSIPPI JUSTICE INFORMATION CENTER; TO BRING FORWARD SECTIONS
13 45-27-5 AND 45-27-21, MISSISSIPPI CODE OF 1972, WHICH REGULATE
14 DUTIES OF THE MISSISSIPPI JUSTICE INFORMATION CENTER, FOR PURPOSES
15 OF AMENDMENT; TO BRING FORWARD SECTION 99-19-72, MISSISSIPPI CODE
16 OF 1972, WHICH PROVIDES A FEE SCHEDULE FOR EXPUNGEMENT PETITIONS,
17 FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

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

21 99-19-71. (1) Any person who has been convicted of a
22 misdemeanor that is not a traffic violation, * * * shall have the
23 violation expunged from his or her record by the justice, county,
24 circuit or municipal court in which the conviction was had * * *.



25 (2) (a) Except as otherwise provided in this subsection, a
26 person who has been convicted of a felony and who has paid all
27 criminal fines and costs of court imposed in the sentence of
28 conviction may petition the court in which the conviction was had
29 for an order to expunge one (1) conviction from all public records
30 five (5) years after the successful completion of all terms and
31 conditions of the sentence for the conviction upon a hearing as
32 determined in the discretion of the court; however, a person is
33 not eligible to expunge a felony classified as:

34 (i) A crime of violence as provided in Section
35 97-3-2;

36 (ii) Arson, first degree as provided in Sections
37 97-17-1 and 97-17-3;

38 (iii) Trafficking in controlled substances as
39 provided in Section 41-29-139;

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

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

44 (vi) Failure to register as a sex offender as
45 provided in Section 45-33-33;

46 (vii) Voyeurism as provided in Section 97-29-61;

47 (viii) Witness intimidation as provided in Section
48 97-9-113;



(ix) Abuse, neglect or exploitation of a vulnerable person as provided in Section 43-47-19; or

(x) Embezzlement as provided in Sections 97-11-25 and 97-23-19.

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

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

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



74 prospective employee if the employee has had an order of
75 expunction entered on his behalf. The effect of the expunction
76 order shall be to restore the person, in the contemplation of the
77 law, to the status he occupied before any arrest or indictment for
78 which convicted. No person as to whom an expunction order has
79 been entered shall be held thereafter under any provision of law
80 to be guilty of perjury or to have otherwise given a false
81 statement by reason of his failure to recite or acknowledge such
82 arrest, indictment or conviction in response to any inquiry made
83 of him for any purpose other than the purpose of determining, in
84 any subsequent proceedings under this section, whether the person
85 is a first offender. A person as to whom an order has been
86 entered, upon request, shall be required to advise the court, in
87 camera, of the previous conviction and expunction in any legal
88 proceeding wherein the person has been called as a prospective
89 juror. The court shall thereafter and before the selection of the
90 jury advise the attorneys representing the parties of the previous
91 conviction and expunction.

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

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



99 **SECTION 2.** Section 9-11-15, Mississippi Code of 1972, is
100 amended as follows:

101 9-11-15. (1) Justice court judges shall hold regular terms
102 of their courts, at such times as they may appoint, not exceeding
103 two (2) and not less than one (1) in every month, at the
104 appropriate justice court courtroom established by the board of
105 supervisors; and they may continue to hold their courts from day
106 to day so long as business may require; and all process shall be
107 returnable, and all trials shall take place at such regular terms,
108 except where it is otherwise provided; but where the defendant is
109 a nonresident or transient person, and it shall be shown by the
110 oath of either party that a delay of the trial until the regular
111 term will be of material injury to him, it shall be lawful for the
112 judge to have the parties brought before him at any reasonable
113 time and hear the evidence and give judgment or where the
114 defendant is a nonresident or transient person and the judge and
115 all parties agree, it shall be lawful for the judge to have the
116 parties brought before him on the day a citation is made and hear
117 the evidence and give judgment. Such court shall be a court of
118 record, with all the power incident to a court of record,
119 including power to fine in the amount of fine and length of
120 imprisonment as is authorized for a municipal court in Section
121 21-23-7(11) for contempt of court.

122 (2) (a) In counties with a population of less than one
123 hundred fifty thousand (150,000), each justice court shall



124 designate at least one-half (1/2) day each month as a traffic
125 court day, sufficient to handle the traffic violations docket of
126 that court, and shall notify all appropriate law enforcement
127 agencies of the date or dates. On the day or days so designated,
128 the justice court shall give priority to all cases involving
129 traffic violations.

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

140 (3) The justice court may, in its discretion, upon prior
141 notice to the county prosecutor and upon a showing in open court
142 of rehabilitation, good conduct for a period of two (2) years
143 since the last conviction in any court and that the best interest
144 of society would be served, order the record of conviction of a
145 person of any or all misdemeanors in that court expunged, and upon
146 so doing, such person thereafter legally stands as though he or
147 she had never been convicted of the misdemeanor(s) and may
148 lawfully so respond to any query of prior convictions. This order



of expunction does not apply to the confidential records of law enforcement agencies and has no effect on the driving record of a person maintained under Title 63, Mississippi Code of 1972, or any other provision of said Title 63.

(4) Notwithstanding the provisions of subsection (3) of this section, a person who was convicted in justice court of a misdemeanor * * *, excluding conviction for a traffic violation, * * * shall automatically have the misdemeanor conviction expunged.

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

21-23-7. (1) The municipal judge shall hold court in a public building designated by the governing authorities of the municipality, or may hold court in an adult detention center as provided under this subsection, and may hold court every day except Sundays and legal holidays if the business of the municipality so requires; provided, however, the municipal judge may hold court outside the boundaries of the municipality but not more than within a sixty-mile radius of the municipality to handle preliminary matters and criminal matters such as initial appearances and felony preliminary hearings. The municipal judge may hold court outside the boundaries of the municipality but not more than within a one-mile radius of the municipality for any purpose; however, a municipal judge may hold court outside the boundaries of the municipality more than within a one-mile radius



174 of the municipality when accepting a plea of a defendant at an
175 adult detention center within the county. The municipal judge
176 shall have the jurisdiction to hear and determine, without a jury
177 and without a record of the testimony, all cases charging
178 violations of the municipal ordinances and state misdemeanor laws
179 made offenses against the municipality and to punish offenders
180 therefor as may be prescribed by law. Except as otherwise
181 provided by law, criminal proceedings shall be brought by sworn
182 complaint filed in the municipal court. Such complaint shall
183 state the essential elements of the offense charged and the
184 statute or ordinance relied upon. Such complaint shall not be
185 required to conclude with a general averment that the offense is
186 against the peace and dignity of the state or in violation of the
187 ordinances of the municipality. He may sit as a committing court
188 in all felonies committed within the municipality, and he shall
189 have the power to bind over the accused to the grand jury or to
190 appear before the proper court having jurisdiction to try the
191 same, and to set the amount of bail or refuse bail and commit the
192 accused to jail in cases not bailable. The municipal judge is a
193 conservator of the peace within his municipality. He may conduct
194 preliminary hearings in all violations of the criminal laws of
195 this state occurring within the municipality, and any person
196 arrested for a violation of law within the municipality may be
197 brought before him for initial appearance. The municipal court
198 shall have jurisdiction of any case remanded to it by a circuit



199 court grand jury. The municipal court shall have civil
200 jurisdiction over actions filed pursuant to and as provided in
201 Chapter 21, Title 93, * * * Mississippi Code of 1972, the
202 Protection from Domestic Abuse Act.

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

216 (3) The municipal judge may solemnize marriages, take oaths,
217 affidavits and acknowledgments, and issue orders, subpoenas,
218 summonses, citations, warrants for search and arrest upon a
219 finding of probable cause, and other such process under seal of
220 the court to any county or municipality, in a criminal case, to be
221 executed by the lawful authority of the county or the municipality
222 of the respondent, and enforce obedience thereto. The absence of
223 a seal shall not invalidate the process.



224 (4) When a person shall be charged with an offense in
225 municipal court punishable by confinement, the municipal judge,
226 being satisfied that such person is an indigent person and is
227 unable to employ counsel, may, in the discretion of the court,
228 appoint counsel from the membership of The Mississippi Bar
229 residing in his county who shall represent him. Compensation for
230 appointed counsel in criminal cases shall be approved and allowed
231 by the municipal judge and shall be paid by the municipality. The
232 maximum compensation shall not exceed Two Hundred Dollars
233 (\$200.00) for any one (1) case. The governing authorities of a
234 municipality may, in their discretion, appoint a public
235 defender(s) who must be a licensed attorney and who shall receive
236 a salary to be fixed by the governing authorities.

237 (5) The municipal judge of any municipality is hereby
238 authorized to suspend the sentence and to suspend the execution of
239 the sentence, or any part thereof, on such terms as may be imposed
240 by the municipal judge. However, the suspension of imposition or
241 execution of a sentence hereunder may not be revoked after a
242 period of two (2) years. The municipal judge shall have the power
243 to establish and operate a probation program, dispute resolution
244 program and other practices or procedures appropriate to the
245 judiciary and designed to aid in the administration of justice.
246 Any such program shall be established by the court with written
247 policies and procedures filed with the clerk of the court for
248 public record. Subsequent to original sentencing, the municipal



judge, in misdemeanor cases, is hereby authorized to suspend sentence and to suspend the execution of a sentence, or any part thereof, on such terms as may be imposed by the municipal judge, if (a) the judge or his or her predecessor was authorized to order such suspension when the sentence was originally imposed; and (b) such conviction (i) has not been appealed; or (ii) has been appealed and the appeal has been voluntarily dismissed.

(6) * * * The court * * * shall automatically order the record of conviction of a person of any or all misdemeanors in that court expunged, and upon so doing the said person thereafter legally stands as though he had never been convicted of the said misdemeanor(s) and may lawfully so respond to any query of prior convictions. This order of expunction does not apply to the confidential records of law enforcement agencies and has no effect on the driving record of a person maintained under Title 63, Mississippi Code of 1972, or any other provision of said Title 63.

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

(8) In the discretion of the court, a plea of nolo contendere may be entered to any charge in municipal court. Upon the entry of a plea of nolo contendere the court shall convict the



274 defendant of the offense charged and shall proceed to sentence the
275 defendant according to law. The judgment of the court shall
276 reflect that the conviction was on a plea of nolo contendere. An
277 appeal may be made from a conviction on a plea of nolo contendere
278 as in other cases.

279 (9) Upon execution of a sworn complaint charging a
280 misdemeanor, the municipal court may, in its discretion and in
281 lieu of an arrest warrant, issue a citation requiring the
282 appearance of the defendant to answer the charge made against him.
283 On default of appearance, an arrest warrant may be issued for the
284 defendant. The clerk of the court or deputy clerk may issue such
285 citations.

286 (10) The municipal court shall have the power to make rules
287 for the administration of the court's business, which rules, if
288 any, shall be in writing filed with the clerk of the court and
289 shall include the enactment of rules related to the court's
290 authority to issue domestic abuse protection orders pursuant to
291 Section 93-21-1 et seq.

292 (11) The municipal court shall have the power to impose
293 punishment of a fine of not more than One Thousand Dollars
294 (\$1,000.00) or six (6) months imprisonment, or both, for contempt
295 of court. The municipal court may have the power to impose
296 reasonable costs of court, not in excess of the following:

297 Dismissal of any affidavit, complaint or charge
298 in municipal court.....\$ 50.00



299 Suspension of a minor's driver's license in lieu of
 300 conviction.....\$ 50.00
 301 Service of scire facias or return "not found".....\$ 20.00
 302 Causing search warrant to issue or causing
 303 prosecution without reasonable cause or refusing to
 304 cooperate after initiating action.....\$ 100.00
 305 Certified copy of the court record.....\$ 5.00
 306 Service of arrest warrant for failure to answer
 307 citation or traffic summons.....\$ 25.00
 308 Jail cost per day - actual jail cost paid by the municipality
 309 but not to exceed.....\$ 35.00
 310 Service of court documents related to the filing
 311 of a petition or issuance of a protection from domestic
 312 abuse order under Chapter 21, Title 93, * * * Mississippi Code of
 313 1972\$ 25.00
 314 Any other item of court cost.....\$ 50.00
 315 No filing fee or such cost shall be imposed for the bringing
 316 of an action in municipal court.
 317 (12) A municipal court judge shall not dismiss a criminal
 318 case but may transfer the case to the justice court of the county
 319 if the municipal court judge is prohibited from presiding over the
 320 case by the Canons of Judicial Conduct and provided that venue and
 321 jurisdiction are proper in the justice court. Upon transfer of
 322 any such case, the municipal court judge shall give the municipal
 323 court clerk a written order to transmit the affidavit or complaint



and all other records and evidence in the court's possession to the justice court by certified mail or to instruct the arresting officer to deliver such documents and records to the justice court. There shall be no court costs charged for the transfer of the case to the justice court.

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

(14) For violations of municipal ordinances related to real property, the municipal judge shall have the power to order a defendant to remedy violations within a reasonable time period as set by the judge, and at the discretion of the judge, the judge may simultaneously authorize the municipality, at its request, the option to remedy the violation itself, through the use of its own employees or its contractors, without further notice should the defendant fail to fully do so within the time period set by the judge. Subsequent to the municipality remedying the violation, the municipality may petition the court to assess documented cleanup costs to the defendant, and, if, following a hearing on such petition, the judge determines (a) the violations were not remedied by the defendant within the time required by the court, (b) that the municipality remedied the violation itself after such time period expired and (c) that the costs incurred by the



municipality were reasonable, the court may assess the costs to the defendant as a judgement, which may be enrolled in the office of the circuit clerk.

SECTION 4. Section 99-15-26, Mississippi Code of 1972, is amended as follows:

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

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

(c) Notwithstanding paragraph (a) of this subsection (1), in all criminal cases charging a misdemeanor of domestic violence as defined in Section 99-3-7(5), a circuit, county,



justice or municipal court shall be empowered, upon the entry of a plea of guilty by the criminal defendant, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section.

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

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

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

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

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

(iv) Successful completion of drug, alcohol, psychological or psychiatric treatment, successful completion of a



399 program designed to bring about the cessation of domestic abuse,
400 or any combination thereof, if the court deems treatment
401 necessary.

402 (v) The circuit or county court, in its
403 discretion, may require the defendant to remain in the program
404 subject to good behavior for a period of time not to exceed five
405 (5) years. The justice or municipal court, in its discretion, may
406 require the defendant to remain in the program subject to good
407 behavior for a period of time not to exceed two (2) years.

408 (b) Conditions which the circuit or county court may
409 impose under subsection (1) of this section also include
410 successful completion of an effective evidence-based program or a
411 properly controlled pilot study designed to contribute to the
412 evidence-based research literature on programs targeted at
413 reducing recidivism. Such program or pilot study may be community
414 based or institutionally based and should address risk factors
415 identified in a formal assessment of the offender's risks and
416 needs.

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

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



(5) * * * The court shall immediately expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped, there was no disposition of such case, or the person was found not guilty at trial.

SECTION 5. Section 99-15-59, Mississippi Code of 1972, is amended as follows:

99-15-59. The court shall automatically expunge the record of any person who is arrested, issued a citation, or held for any misdemeanor and not formally charged or prosecuted with an offense within twelve (12) months of arrest, or upon dismissal of the charge * * *.

SECTION 6. Section 45-27-9, Mississippi Code of 1972, is amended as follows:

45-27-9. (1) All criminal justice agencies within the state shall submit to the center an arrest card that will transmit fingerprints, descriptions, photographs (when specifically requested), and other identifying data on persons who have been lawfully arrested or taken into custody in this state for all felonies and misdemeanors as described in Section 45-27-7(2)(a). It shall be the duty of all chiefs of police, sheriffs, district attorneys, courts, court clerks, judges, parole and probation officers, wardens or other persons in charge of correctional institutions in this state to furnish the center with all data required by the rules duly promulgated under the Administrative



Procedures Act to carry out its responsibilities under this chapter, and the duty of courts and court clerks to submit a disposition form for every disposition. It shall be the duty of all criminal justice agencies within the state to supply the prosecutor and the proper court with the disposition form that is attached to the physical arrest card if fingerprints were taken manually or, if fingerprints were captured digitally, the disposition form generated by the electronic fingerprint device at the time of the arrest. The PEER committee may conduct random review of the records of any agency or clerks referenced in this subsection (1) to determine whether the duties of such agencies and clerks are being fulfilled in a timely manner. The PEER committee, based on its findings, if any, shall recommend measures to ensure that the duties are more effectively carried out in a timely manner.

(2) (a) All persons in charge of law enforcement agencies shall obtain, or cause to be obtained, fingerprints according to the fingerprint system of identification established by the Director of the Federal Bureau of Investigation, full face and profile photographs (if equipment is available) and other available identifying data, of each person arrested or taken into custody for an offense of a type designated in subsection (1) of this section, of all persons arrested or taken into custody as fugitives from justice and of all unidentified human corpses in their jurisdictions, but photographs need not be taken if it is



known that photographs of the type listed, taken within the previous year, are on file. Any record taken in connection with any person arrested or taken into custody and subsequently released without charge or cleared of the offense through court proceedings shall be purged from the files of the center and destroyed upon receipt by the center of a lawful expunction order. All persons in charge of law enforcement agencies shall submit to the center detailed descriptions of arrests or takings into custody which result in release without charge or subsequent exoneration from criminal liability within twenty-four (24) hours of the release or exoneration.

(b) The center will work to secure grant funds to purchase live scan equipment to be utilized throughout the state. All law enforcement agencies shall utilize any live scan equipment provided by the center to ensure the most accurate collection of fingerprints. The center shall coordinate the use of the equipment with federal, state, county and municipal law enforcement agencies.

(3) Fingerprints and other identifying data required to be taken under subsection (2) shall be forwarded within twenty-four (24) hours after taking for filing and classification, but the period of twenty-four (24) hours may be extended to cover any intervening holiday or weekend. Photographs taken shall be forwarded at the discretion of the agency concerned, but, if not forwarded, the fingerprint record shall be marked "Photo



Available" and the photographs shall be forwarded subsequently if the center so requests.

(4) All persons in charge of law enforcement agencies shall submit to the center detailed descriptions of arrest warrants and related identifying data immediately upon determination of the fact that the warrant cannot be served for the reasons stated. If the warrant is subsequently served or withdrawn, the law enforcement agency concerned must immediately notify the center of the service or withdrawal. Also, the agency concerned must annually, no later than January 31 of each year and at other times if requested by the center, confirm all arrest warrants which continue to be outstanding. Upon receipt of a lawful expunction order, the center shall purge and destroy files of all data relating to an offense when an individual is subsequently exonerated from criminal liability of that offense. The center shall not be liable for the failure to purge, destroy or expunge any records if an agency or court fails to forward to the center proper documentation ordering the action.

(5) All persons in charge of state correctional institutions shall obtain fingerprints, according to the fingerprint system of identification established by the Director of the Federal Bureau of Investigation or as otherwise directed by the center, and full face and profile photographs of all persons received on commitment to the institutions. The prints so taken shall be forwarded to the center, together with any other identifying data requested,



523 within ten (10) days after the arrival at the institution of the
524 person committed. At the time of release, the institution will
525 again obtain fingerprints, as before, and forward them to the
526 center within ten (10) days, along with any other related
527 information requested by the center. The institution shall notify
528 the center immediately upon the release of the person.

529 (6) All persons in charge of law enforcement agencies, all
530 court clerks, all municipal justices where they have no clerks,
531 all justice court judges and all persons in charge of state and
532 county probation and parole offices, shall supply the center with
533 the information described in subsections (4) and (10) of this
534 section on the basis of the forms and instructions for the
535 disposition form to be supplied by the center.

536 (7) All persons in charge of law enforcement agencies in
537 this state shall furnish the center with any other identifying
538 data required in accordance with guidelines established by the
539 center. All law enforcement agencies and correctional
540 institutions in this state having criminal identification files
541 shall cooperate in providing the center with copies of the items
542 in the files which will aid in establishing the nucleus of the
543 state criminal identification file.

544 (8) All law enforcement agencies within the state shall
545 report to the center, in a manner prescribed by the center, all
546 persons wanted by and all vehicles and identifiable property
547 stolen from their jurisdictions. The report shall be made as soon



as is practical after the investigating department or agency either ascertains that a vehicle or identifiable property has been stolen or obtains a warrant for an individual's arrest or determines that there are reasonable grounds to believe that the individual has committed a crime. The report shall be made within a reasonable time period following the reporting department's or agency's determination that it has grounds to believe that a vehicle or property was stolen or that the wanted person should be arrested.

(9) All law enforcement agencies in the state shall immediately notify the center if at any time after making a report as required by subsection (8) of this section it is determined by the reporting department or agency that a person is no longer wanted or that a vehicle or property stolen has been recovered. Furthermore, if the agency making the apprehension or recovery is not the one which made the original report, then it shall immediately notify the originating agency of the full particulars relating to the apprehension or recovery using methods prescribed by the center.

(10) (a) All law enforcement agencies in the state and clerks of the various courts shall promptly report to the center all instances where records of convictions of criminals are ordered expunged by courts of this state as now provided by law. The center shall promptly expunge from the files of the center and



destroy all records pertaining to any convictions that are ordered expunged by the courts of this state as provided by law.

(b) All law enforcement agencies in the state and clerks of the various courts shall promptly report to the center all expungements of misdemeanor crimes and instances in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped, there was no disposition of such case, or the person was found not guilty at trial. The center shall promptly expunge from the files of the center and destroy all records pertaining to any such instances.

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

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

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

(i) Implement an incident-based reporting system within the agency or department that meets the reporting



requirements of the National Incident-Based Reporting System (NIBRS) of the Uniform Crime Reporting Program of the Federal Bureau of Investigation;

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

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

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

SECTION 7. Section 45-27-5, Mississippi Code of 1972, is brought forward as follows:

45-27-5. (1) There is hereby established within the Mississippi Department of Public Safety a system for the communication of vital information relating to crimes, criminals and criminal activity to be known as the Mississippi Justice



Information Center. Central responsibility for the development, maintenance and operation of the center shall be vested with the Director of the Mississippi Justice Information Center.

(2) The director of the center shall maintain the necessary staff to enable the effective and efficient performance of the duties and responsibilities ascribed to the center. Such staff shall include but not be limited to statistical analysis personnel and field monitoring personnel, along with the support services to be procured within state government.

(3) All personnel of the center shall be subject to approval by the State Personnel Board, with due recognition to be given to the special qualifications and availability of the types of individuals required for such employment.

SECTION 8. Section 45-27-21, Mississippi Code of 1972, is brought forward as follows:

45-27-21. A certified copy of every expunction and nonadjudication order shall be sent by the circuit clerk to the Mississippi Criminal Information Center where it shall be maintained in a separate confidential database accessible only upon written request by a district attorney, a county prosecuting attorney, a municipal court prosecuting attorney, the Attorney General of Mississippi and the Mississippi Law Enforcement Standards and Training Board. Any criminal conviction which has been expunged or nonadjudicated may be used for the purpose of determining habitual offender status and for the use of the



Mississippi Law Enforcement Standards and Training Board in giving or retaining law enforcement certification, and to ensure that a person is only eligible for first-offender status one (1) time.

SECTION 9. Section 99-19-72, Mississippi Code of 1972, is brought forward as follows:

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

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

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

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

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



671 **SECTION 10.** This act shall take effect and be in force from
672 and after July 1, 2025.

