

By: Representative Horan

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1614

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,  
2 TO ALLOW VICTIMS OF HUMAN TRAFFICKING AND OTHER CRIMES ONE  
3 ADDITIONAL EXPUNGEMENT FOR THE CRIME OF PROSTITUTION; TO CLARIFY  
4 THE EXPUNGEMENT OF PARDONS; TO PROHIBIT EXPUNGEMENT OF THE FELONY  
5 CRIMES OF PROMOTING OR PROCURING PROSTITUTION; AND FOR RELATED  
6 PURPOSES.

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

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

10 99-19-71. (1) Any person who has been convicted of a  
11 misdemeanor that is not a traffic violation \* \* \*, may petition  
12 the justice, county, circuit, \* \* \* municipal or inferior court in  
13 which the conviction was had for an order to expunge any such  
14 conviction from all public records.

15 (2) (a) Except as otherwise provided in this subsection, a  
16 person who has been convicted of a felony and who has paid all  
17 criminal fines and costs of court imposed in the sentence of  
18 conviction may petition the court in which the conviction was had  
19 for an order to expunge one (1) conviction from all public records  
20 five (5) years after the successful completion of all terms and



conditions of the sentence for the conviction upon a hearing as determined in the discretion of the court; however, a person is not eligible to expunge a felony classified as:

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

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

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

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

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

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

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

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

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

(x) Embezzlement as provided in Sections 97-11-25 and 97-23-19 \* \* \*;

(xi) Procuring prostitution as provided in Section 97-29-51(1)(b) or (c); or



45                   (xii) Promoting prostitution as provided in  
46 Section 97-29-51 (2) (a) or (c).

47           A person is eligible for only one (1) felony expunction under  
48 this paragraph. For the purposes of this section, the terms "one  
49 (1) conviction" and "one (1) felony expunction" mean and include  
50 all convictions, including any conviction that has been pardoned,  
51 that arose from a common nucleus of operative facts as determined  
52 in the discretion of the court.

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

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



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

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

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



94           **SECTION 2.** This act shall take effect and be in force from  
95 and after July 1, 2025, and shall stand repealed on June 30, 2025.

