

By: Senator(s) Sparks

To: Judiciary, Division B

SENATE BILL NO. 2322

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

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

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

9 99-19-71. (1) Any person who has been convicted of a
10 misdemeanor that is not a traffic violation, and who is a first
11 offender, may petition the justice, county, circuit or municipal
12 court in which the conviction was had for an order to expunge any
13 such conviction from all public records.

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

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



44 A person is eligible for only one (1) felony expunction under
45 this paragraph. For the purposes of this section, the terms "one
46 (1) conviction" and "one (1) felony expunction" mean and include
47 all convictions that arose from a common nucleus of operative
48 facts as determined in the discretion of the court. However, for
49 a person who is a trafficked person as defined by Section
50 97-3-54.4(g), the court may, in its discretion, order the record
51 of conviction of a person of any and all crimes of prostitution
52 pursuant to Section 97-29-49, in that court expunged.

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.

