

Senate Amendments to House Bill No. 1614

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

8 99-19-71. (1) Any person who has been convicted of a
9 misdemeanor that is not a traffic violation, and who is a first
10 offender, may petition the justice, county, circuit or municipal
11 court in which the conviction was had for an order to expunge any
12 such conviction from all public records.

13 (2) (a) Except as otherwise provided in this subsection, a
14 person who has been convicted of a felony and who has paid all
15 criminal fines and costs of court imposed in the sentence of
16 conviction may petition the court in which the conviction was had
17 for an order to expunge one (1) conviction from all public records
18 five (5) years after the successful completion of all terms and
19 conditions of the sentence for the conviction upon a hearing as
20 determined in the discretion of the court; however, a person is
21 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).

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. However, for

48 a person who is a trafficked person as defined by Section
49 97-3-54.4(g), the court may, in its discretion, order the record
50 of conviction of a person of any and all crimes of prostitution
51 pursuant to Section 97-29-49, in that court expunged.

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

60 (3) Upon entering an order of expunction under this section,
61 a nonpublic record thereof shall be retained by the Mississippi
62 Criminal Information Center solely for the purpose of determining
63 whether, in subsequent proceedings, the person is a first
64 offender. The order of expunction shall not preclude a district
65 attorney's office from retaining a nonpublic record thereof for
66 law enforcement purposes only. The existence of an order of
67 expunction shall not preclude an employer from asking a
68 prospective employee if the employee has had an order of
69 expunction entered on his behalf. The effect of the expunction
70 order shall be to restore the person, in the contemplation of the
71 law, to the status he occupied before any arrest or indictment for
72 which convicted. No person as to whom an expunction order has
73 been entered shall be held thereafter under any provision of law

74 to be guilty of perjury or to have otherwise given a false
75 statement by reason of his failure to recite or acknowledge such
76 arrest, indictment or conviction in response to any inquiry made
77 of him for any purpose other than the purpose of determining, in
78 any subsequent proceedings under this section, whether the person
79 is a first offender. A person as to whom an order has been
80 entered, upon request, shall be required to advise the court, in
81 camera, of the previous conviction and expunction in any legal
82 proceeding wherein the person has been called as a prospective
83 juror. The court shall thereafter and before the selection of the
84 jury advise the attorneys representing the parties of the previous
85 conviction and expunction.

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

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 PROSTITUTION; AND FOR RELATED PURPOSES.

SS26\HB1614A.J

Amanda White
Secretary of the Senate