

By: Representatives Baker (74th), Smith
(39th)

To: Judiciary B

HOUSE BILL NO. 1521

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,
2 TO ALLOW EXPUNCTION OF CONVICTIONS FOR FIRST OFFENSE NONVIOLENT
3 FELONIES; AND FOR RELATED PURPOSES.

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

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

7 99-19-71. (1) Any person who has been convicted of a
8 misdemeanor or a nonviolent felony as described in Section 47-7-3
9 and as provided in subsection (2) of this section, excluding a
10 conviction for a traffic violation, and who is a first offender,
11 may petition the justice, county, circuit or municipal court, as
12 may be applicable, for an order to expunge any such conviction
13 from all public records provided that such person has complied
14 with all conditions imposed by the court related to the
15 conviction. Upon entering such order, a nonpublic record thereof
16 shall be retained by the court and by the Mississippi Criminal
17 Information Center solely for the purpose of determining
18 whether, in subsequent proceedings, such person is a first
19 offender. The effect of such order shall be to restore such
20 person, in the contemplation of the law, to the status he occupied
21 before such arrest. No person as to whom such order has been
22 entered shall be held thereafter under any provision of law to be
23 guilty of perjury or to have otherwise given a false statement by
24 reason of his failure to recite or acknowledge such arrest or
25 conviction in response to any inquiry made of him for any purpose,
26 except for the purpose of determining in any subsequent

27 proceedings under this section, whether such person is a first
28 offender.

29 (2) Upon prior notice to the district attorney and upon a
30 showing in open court of rehabilitation, good conduct for a period
31 of two (2) years since the conviction of a nonviolent felony as a
32 first-time offender and that the best interest of society would be
33 served, the court may, in its discretion, order the record
34 expunged.

35 (3) Upon petition therefor, a justice, county, circuit or
36 municipal court shall expunge the record of any case in which an
37 arrest was made, the person arrested was released and the case was
38 dismissed or the charges were dropped or there was no disposition
39 of such case.

40 **SECTION 2.** This act shall take effect and be in force from
41 and after July 1, 2005.