

By: Senator(s) Walls

To: Judiciary, Division B

SENATE BILL NO. 2494

1 AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE EXPUNCTION OF A CRIMINAL RECORD; AND FOR RELATED
3 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 felony, other than a violation under Chapter 3 or
9 5 of Title 97, which offense was committed before the person
10 reached his twenty-fifth birthday, and excluding a conviction for
11 a traffic violation, and who is a first offender, may petition
12 the justice, county, circuit or municipal court, as may be
13 applicable, for an order to expunge any such conviction from all
14 public records. Upon entering such order, a nonpublic record
15 thereof shall be retained by the court and by the Mississippi
16 Criminal Information Center solely for the purpose of determining
17 whether, in subsequent proceedings, such person is a first
18 offender. The effect of such order shall be to restore such
19 person, in the contemplation of the law, to the status he occupied
20 before such arrest. No person as to whom such order has been
21 entered shall be held thereafter under any provision of law to be
22 guilty of perjury or to have otherwise given a false statement by
23 reason of his failure to recite or acknowledge such arrest or
24 conviction in response to any inquiry made of him for any purpose,
25 except for the purpose of determining in any subsequent
26 proceedings under this section, whether such person is a first
27 offender.

28 (2) Upon petition therefor, a justice, county, circuit or
29 municipal court shall expunge the record of any case in which an
30 arrest was made, the person arrested was released and the case was
31 dismissed or the charges were dropped or there was no disposition
32 of such case.

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