STATE OF MISSISSIPPI
Office of the Governor

July 8, 2020

TO THE MISSISSIPPI HOUSE OF REPRESENTATIVES

GOVERNOR’S VETO MESSAGE FOR HOUSE BILL 658

I am returning House Bill 658: “AN ACT TO AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972, TO REVISE THE NUMBER OF FELONY CONVICTIONS ELIGIBLE FOR EXPUNGEMENT; AND FOR RELATED PURPOSES.”

While the spirit of House Bill 658 is well-intentioned, I believe the scope of its proposed expansion of felony expungements along with inconsistent application to misdemeanor offenses presents problems that have not been fully considered by all stakeholders and, as drafted and presented to me, would threaten public safety. House Bill 658 expands the eligibility for felony expungement from one to three, while leaving unchanged the limitation to only a single, “first offense” misdemeanor.

Last year, the Mississippi Legislature passed sweeping criminal justice reform in House Bill 1352 which expanded eligibility for felony expungement. Specifically, House Bill 1352 greatly expanded the number of felony offenses eligible to be expunged. Further, House Bill 1352 clarified Miss. Code Ann. § 99-19-71 to insure that all felonies arising out of a common nucleus of facts qualifies as a single offense eligible for expungement. I supported these reasonable reforms to the expungement statute.

I cannot, however, support expanding eligibility for felony expunctions from one to three. I believe everyone is entitled to a second chance, and existing law affords that second chance by allowing a person to receive one felony expungement. However, House Bill 658 would allow habitual and career criminals to expunge multiple felony convictions. Such a change in the law would threaten public safety.

Further, the bill has another troubling inconsistency. I can think of no reasonable justification to allow a person to expunge three felony convictions but only one misdemeanor conviction. By way of example, HB 658 would prevent a person with two convictions for misdemeanor marijuana possession from expunging both offenses, but would permit a person with three separate felony convictions for obtaining prescription drugs through fraud (in violation of Miss. Code Ann. § 41-29-144) to wipe his/her criminal record clean.

I invite the Legislature to continue its good work in criminal justice reform and present a new bill next session with greater input from all stakeholders as Mississippi continues to make
strides in reforms. However, while I continue to support reasonable criminal justice reform, House Bill 658 presents a threat to public safety. Thus, I must veto it.

Respectfully submitted,

[Signature]

TATE REEVES
GOVERNOR

July 8, 2020
9:47 p.m.