



AFFIDAVIT

STATE OF _____

COUNTY OF _____

Personally came and appeared before me, the undersigned Notary, the within named _____, who is a resident of _____ County, State of _____, who having been duly sworn, stated upon oath and under penalty of perjury, the following:

I am an applicant as defined under the Mississippi Medical Cannabis Act. I declare under penalty of perjury that I have not been the subject of a conviction for a disqualifying felony offense.

Disqualifying felony offense means:

- (i) A conviction for a crime of violence as defined by Miss. Code Ann. §97-3-2. (97-3-2 is attached.)
- (ii) A conviction for a crime that was defined as a violent crime in the law of the jurisdiction in which the offense was committed, and that was classified as a felony in the jurisdiction where the person was convicted; or
- (iii) A conviction for a violation of a state or federal controlled substances law that was classified as a felony in the jurisdiction where the person was convicted, including the service of any term of probation, incarceration or supervised release within the previous five (5) years and the offender has not committed another similar offense since the conviction. Under this subparagraph (iii), a **disqualifying felony** offense shall not include a conviction that consisted of conduct for which this chapter would likely have prevented the conviction but for the fact that the conduct occurred before the effective date of this act.

I understand and acknowledge that I am not eligible to receive a medical cannabis business license if I have been convicted of a disqualifying felony offense.

Choose one [1]:

- I further certify that I **have not** been the subject of: (i) a warrant for arrest; (ii) an arrest; or (iii) a pending diversion agreement for a disqualifying felony offense.
- I further certify that I **have been** the subject of: (i) a warrant for arrest; (ii) an arrest or (iii) a pending diversion agreement for a disqualifying felony offense, as follows [please explain in the space below]:

I understand and acknowledge that the State of Mississippi will be conducting a background check to determine whether I have been convicted of a disqualifying felony. To complete a background check, I understand and acknowledge that my information, including fingerprints, will be transmitted through the applicable federal and state databases. I understand and agree that results of my background check showing that I have been convicted of a disqualifying felony will constitute a basis for revocation or denial of any applicable medical cannabis business license.

I understand that a license issued under the Mississippi Medical Cannabis Act is not a property right, and as such is revocable.

I agree, to the fullest extent allowed by law, to indemnify, defend, save and hold harmless, protect, and exonerate the Governor of the State of Mississippi, the Mississippi Department of Public Safety, the Mississippi Department of Health, the Mississippi Department of Revenue, their commissioners, executive directors, board members, officers, employees, agents, and

representatives, and the State of Mississippi, from and against all claims, demands, liabilities, suits, actions, damages, losses, and costs of every kind and nature whatsoever including, without limitation, legal costs, investigative fees and expenses, and attorney's fees, arising out of the denial or revocation of a medical cannabis business license based on any disqualifying felony of which I may have been convicted.

DATED this the _____ day of _____, 20__.

Signature of Affiant

SWORN to and subscribed before me, this the _____ day of _____, 20__.

NOTARY PUBLIC

Miss. Code Ann. § 97-3-2

Copy Citation

Current through the 2021 Regular Session including changes and corrections made by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

- [Mississippi Code 1972 Annotated](#)
- [Title 97. Crimes \(Chs. 1 — 47\)](#)
- [Chapter 3. Crimes Against the Person \(§§ 97-3-1 — 97-3-117\)](#)

§ 97-3-2. Crimes of violence defined.

(1) The following shall be classified as crimes of violence:

- (a) Driving under the influence as provided in Sections 63-11-30(5) and 63-11-30(12)(d);
- (b) Murder and attempted murder as provided in Sections 97-1-7(2), 97-3-19, 97-3-23 and 97-3-25;
- (c) Aggravated assault as provided in Sections 97-3-7(2)(a) and (b) and 97-3-7(4)(a);
- (d) Manslaughter as provided in Sections 97-3-27, 97-3-29, 97-3-31, 97-3-33, 97-3-35, 97-3-39, 97-3-41, 97-3-43, 97-3-45 and 97-3-47;
- (e) Killing of an unborn child as provided in Sections 97-3-37(2)(a) and 97-3-37(2)(b);
- (f) Kidnapping as provided in Section 97-3-53;
- (g) Human trafficking as provided in Section 97-3-54.1;
- (h) Poisoning as provided in Section 97-3-61;
- (i) Rape as provided in Sections 97-3-65 and 97-3-71;
- (j) Robbery as provided in Sections 97-3-73 and 97-3-79;
- (k) Sexual battery as provided in Section 97-3-95;
- (l) Drive-by shooting or bombing as provided in Section 97-3-109;
- (m) Carjacking as provided in Section 97-3-117;
- (n) Felonious neglect, abuse or battery of a child as provided in Section 97-5-39;
- (o) Burglary of a dwelling as provided in Sections 97-17-23 and 97-17-37;
- (p) Use of explosives or weapons of mass destruction as provided in Section 97-37-25;
- (q) Statutory rape as provided in Section 97-3-65(1), but this classification is rebuttable on hearing by a judge;
- (r) Exploitation of a child as provided in Section 97-5-33;
- (s) Gratification of lust as provided in Section 97-5-23; and
- (t) Shooting into a dwelling as provided in Section 97-37-29.

(2) In any felony offense with a maximum sentence of no less than five (5) years, upon conviction, the judge may find and place in the sentencing order, on the record in open court, that the offense, while not listed in subsection (1) of this section, shall be classified as a crime of violence if the facts show that the defendant used physical force, or made a credible attempt or threat of physical force against another person as part of the criminal act. No person convicted of a crime of violence listed in this section is eligible for parole or for early release from the custody of the Department of Corrections until the person has served at least fifty percent (50%) of the sentence imposed by the court.

History

Laws, 2014, ch. 457, § 39, eff from and after July 1, 2014.

Mississippi Code 1972 Annotated
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