

By: Representative Scott (80th)

To: Judiciary B

## HOUSE BILL NO. 198

1 AN ACT TO REQUIRE THE REGISTRATION OF FIREARMS; TO IMPOSE  
2 SPECIFIC PROVISIONS FOR THE REGISTRATION OF WEAPONS PURCHASED  
3 THROUGH THE MAIL; TO SPECIFY THE TIME, PLACE AND PROCEDURE FOR  
4 REGISTRATION; TO PROVIDE FOR REGISTRATION FORMS; TO REQUIRE  
5 DEALERS TO KEEP RECORDS OF THE SALE OF FIREARMS; TO PROVIDE  
6 AUTHORITY TO PURCHASE EQUIPMENT AND SUPPLIES; TO PROVIDE PENALTIES  
7 FOR FAILURE TO REGISTER FIREARMS; TO PROVIDE A TRANSIENT  
8 NONRESIDENT EXEMPTION NOT TO EXCEED 30 DAYS; TO REQUIRE  
9 REGISTRATION AFTER TRANSFER OF A FIREARM; TO AUTHORIZE THE  
10 PURCHASE OF RIFLES AND SHOTGUNS IN CONTIGUOUS STATES; TO REPEAL  
11 SECTIONS 45-9-51 AND 45-9-53, MISSISSIPPI CODE OF 1972, WHICH  
12 RESTRICT LOCAL GOVERNMENTS FROM REGULATING FIREARMS; AND FOR  
13 RELATED PURPOSES.

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

15 SECTION 1. Every person in this state who now owns or has in  
16 his possession, or who shall hereafter acquire any pistol or  
17 revolver, or any machine guns, submachine guns and/or similar  
18 firearms or any other high-powered rifle with a velocity of more  
19 than two thousand (2,000) feet per second at the muzzle, shall be  
20 required to register such weapon in the manner and within the time  
21 hereinafter specified; provided, however, that the provisions of  
22 Sections 1 through 10 of this act shall not apply to any person,  
23 firm or corporation regularly engaged in the sale of such weapons  
24 in the usual course of business from an established and permanent  
25 place of business, except as herein provided; and provided,  
26 further, that the provisions of Sections 1 through 10 of this act  
27 shall not apply to any firearms manufactured prior to January 1,  
28 1900, nor to any firearm manufactured since that date which is not  
29 capable of being discharged and which has been procured and has  
30 been kept by the owner thereof as a relic or historical specimen,  
31 nor to any firearms furnished to the organized militia of this

32 state, or the Armed Forces of the United States for their use.

33 SECTION 2. All registrations of weapons under the provisions  
34 of Sections 1 through 10 of this act shall be made with the  
35 sheriff of the county in which the person owning or possessing  
36 same resides, or if such person has no fixed residence within this  
37 state, then such weapon shall be registered with the sheriff of  
38 the county in which such weapon is usually kept or maintained.  
39 All such weapons now owned or possessed by any person or which may  
40 be hereafter acquired within eighty (80) days after the effective  
41 date of this act shall be registered with such sheriff within  
42 ninety (90) days after the effective date of Sections 1 through 10  
43 of this act, and thereafter all such weapons which shall be  
44 acquired, owned or possessed shall be registered with such sheriff  
45 within ten (10) days after the acquisition thereof by such person  
46 except weapons which are purchased and transported by mail. A  
47 weapon purchased and transported by mail shall be registered with  
48 such sheriff within forty-eight (48) hours of receipt. The seller  
49 of a weapon by mail shall provide notice to the purchaser that  
50 such weapon shall be registered within forty-eight (48) hours of  
51 receipt or the person failing to register such weapon shall be  
52 subject to the fines and penalties provided in Section 7 of this  
53 act. If the seller of a weapon by mail fails to provide notice of  
54 registration to the purchaser, the seller shall be punished as  
55 provided in Section 7 of this act.

56 SECTION 3. All registrations of such weapons shall be made  
57 in duplicate, on forms to be provided by the board of supervisors  
58 of each county, which forms shall require the following  
59 information:

60 (a) The name, address, including the street address,  
61 and the Social Security number and date of birth of the owner or  
62 person possessing such weapon;

63 (b) The age, race and sex of such person;

64 (c) A fully detailed description of such weapon, giving  
65 the make, model and serial number;

66 (d) The name, address, including the street address,  
67 and the Social Security or tax identification number of the person  
68 from whom such weapon was acquired or purchased; and

69 (e) Where such weapon is usually kept.

70 Such form shall be fully filled out by the person owning or  
71 possessing such weapon and the completed form shall be filed, in  
72 duplicate, with the sheriff of the proper county. Both the  
73 original and duplicate of such forms shall be signed by the  
74 registrant and his signature shall be witnessed by two (2)  
75 responsible persons, whose addresses shall be shown upon the  
76 registration form.

77 SECTION 4. The original registration form so filed shall be  
78 retained by the sheriff in a safe and convenient file to be  
79 furnished him by the board of supervisors for that purpose. All  
80 such registrations shall be filed and arranged in alphabetical  
81 order and shall be open to the inspection of any person at any  
82 time during the regular hours of business.

83 SECTION 5. Any person, firm or corporation dealing in  
84 firearms shall keep a description thereof in his place of  
85 business, showing the kind of weapon as used in Sections 1 through  
86 10 of this act, the name of the manufacturer and the serial number  
87 and from whom purchased, and upon the sale of such pistol or gun,  
88 a record of the name, address, Social Security number and date of  
89 birth of person to whom sold.

90 The records so made by said dealer shall be kept by him for a  
91 period of five (5) years and shall be subject to inspection by any  
92 police officer or sheriff of the state.

93 SECTION 6. All supplies, equipment and furniture necessary  
94 in the enforcement of Sections 1 through 10 of this act, shall be  
95 paid by the board of supervisors of each county out of the general  
96 fund upon presentation and allowance therefor of itemized bills as  
97 provided by law.

98 SECTION 7. Any person who shall fail or refuse to register  
99 any weapon or seller who fails to provide registration notice to  
100 purchasers who purchase weapons by mail as required by Section 2  
101 of this act shall be guilty of a misdemeanor and upon conviction

102 for a first offense shall be punished by a fine of One Thousand  
103 Dollars (\$1,000.00). Any person or seller convicted of a second  
104 violation of Section 2 of this act shall be guilty of a  
105 misdemeanor and shall be punished by a fine of Two Thousand  
106 Dollars (\$2,000.00) and imprisonment for not more than one (1)  
107 year. Any person or seller convicted of a third or subsequent  
108 violation of Section 2 of this act shall be guilty of a felony and  
109 shall be punished by a fine of Five Thousand Dollars (\$5,000.00)  
110 and imprisonment for not less than one (1) year nor more than five  
111 (5) years.

112 SECTION 8. The provisions of Sections 1 through 10 of this  
113 act shall not apply to a transient nonresident of this state  
114 bringing a weapon with him in the course of travel into or through  
115 this state, where such weapon does not remain herein for more than  
116 thirty (30) days.

117 SECTION 9. It will be necessary to register firearms under  
118 Sections 1 through 10 of this act only one (1) time as long as  
119 said firearm remains in the possession of the person registering  
120 same, provided that when the registered firearm shall be sold or  
121 given away by the person registering same, then the person  
122 acquiring possession of such firearm shall register same as herein  
123 provided.

124 SECTION 10. It is declared that it is in the public interest  
125 to authorize residents of this state to purchase or otherwise  
126 obtain rifles and shotguns in states contiguous to this state in  
127 compliance with such other laws of this state or its political  
128 subdivisions as may be applicable and in compliance with 18 USCS  
129 921 et seq. and in compliance with Section 2 of this act.

130 As used in this section, the term "a state contiguous to this  
131 state" shall mean any state with a border touching a border of  
132 this state. As used in this section, all other terms shall be  
133 given the meaning prescribed in 18 USCS 921 et seq. and the  
134 regulations duly promulgated thereunder as presently enacted or

135 promulgated and as hereinafter modified.

136           It shall be lawful for a person residing in this state  
137 (including a corporation or other business entity maintaining a  
138 place of business in this state) to purchase or otherwise obtain a  
139 rifle or shotgun in a state contiguous to this state and to  
140 receive or transport such rifle or shotgun into this state subject  
141 to the provisions of Section 2 of this act.

142           This section shall not apply or be construed to affect in any  
143 way the purchase, receipt or transportation of rifles and shotguns  
144 by federally licensed firearms manufacturers, importers, dealers  
145 or collectors.

146           SECTION 11. Sections 45-9-51 and 45-9-53, Mississippi Code  
147 of 1972, which prohibit local governments from regulating the  
148 sale, possession, transportation or transfer of firearms, are  
149 repealed.

150           SECTION 12. This act shall take effect and be in force from  
151 and after its passage.