

By: Representative Moak

To: Judiciary B

HOUSE BILL NO. 261

1 AN ACT TO AMEND SECTION 97-37-1, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT IT SHALL BE A FELONY FOR THE ILLEGAL CARRYING OF A  
3 DEADLY WEAPON IF THE OFFENSE OCCURS ON ANY PREMISES LICENSED TO  
4 SELL OR SERVE ALCOHOLIC BEVERAGES, BEER OR LIGHT WINE AND TO  
5 PROVIDE PENALTIES THEREFOR; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 97-37-1, Mississippi Code of 1972, is  
8 amended as follows:

9 97-37-1. (1) Except as otherwise provided in Section  
10 45-9-101, any person who carries, concealed in whole or in part,  
11 any bowie knife, dirk knife, butcher knife, switchblade knife,  
12 metallic knuckles, blackjack, slingshot, pistol, revolver, or any  
13 rifle with a barrel of less than sixteen (16) inches in length, or  
14 any shotgun with a barrel of less than eighteen (18) inches in  
15 length, machine gun or any fully automatic firearm or deadly  
16 weapon, or any muffler or silencer for any firearm, whether or not  
17 it is accompanied by a firearm, or uses or attempts to use against  
18 another person any imitation firearm, shall upon conviction be  
19 punished as follows:

20 (a) By a fine of not less than One Hundred Dollars  
21 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by  
22 imprisonment in the county jail for not more than six (6) months,  
23 or both, in the discretion of the court, for the first conviction  
24 under this section.

25 (b) By a fine of not less than One Hundred Dollars  
26 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and  
27 imprisonment in the county jail for not less than thirty (30) days

28 nor more than six (6) months, for the second conviction under this  
29 section.

30 (c) By imprisonment in the State Penitentiary for not  
31 less than one (1) year nor more than five (5) years, for the third  
32 or more convictions under this section.

33 (d) By imprisonment in the State Penitentiary for not  
34 less than one (1) year nor more than five (5) years for any person  
35 previously convicted of any felony who is convicted under this  
36 section.

37 (e) By imprisonment in the State Penitentiary for not  
38 less than two (2) years, nor more than ten (10) years, and by a  
39 fine not to exceed Five Thousand Dollars (\$5,000.00), for any  
40 person convicted under this section if the offense occurs on any  
41 premises licensed or issued a permit under Title 67, Mississippi  
42 Code of 1972, for the sale or service of alcoholic beverages, beer  
43 or light wine. A violation of this paragraph shall be a felony.

44 (2) It shall not be a violation of this section for any  
45 person over the age of eighteen (18) years to carry a firearm or  
46 deadly weapon concealed in whole or in part within the confines of  
47 his own home or his place of business, or any real property  
48 associated with his home or business or within any motor vehicle.

49 (3) It shall not be a violation of this section for any  
50 person to carry a firearm or deadly weapon concealed in whole or  
51 in part if the possessor of the weapon is then engaged in a  
52 legitimate weapon-related sports activity or is going to or  
53 returning from such activity. For purposes of this subsection,  
54 "legitimate weapon-related sports activity" means hunting,  
55 fishing, target shooting or any other legal sports activity which  
56 normally involves the use of a firearm or other weapon.

57 SECTION 2. This act shall take effect and be in force from  
58 and after its passage.