

By: Representatives Wallace, Miller,
Straughter, Thornton

To: Judiciary B

HOUSE BILL NO. 1042

1 AN ACT TO AMEND SECTION 97-37-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PUNISHMENT FOR A CONVICTION OF UNLAWFULLY CARRYING A
3 CONCEALED WEAPON AND TO PROHIBIT ANY PERSON UNDER THE AGE OF 21
4 FROM CARRYING A DEADLY WEAPON IN A VEHICLE WITHOUT A CARRY PERMIT;
5 TO AMEND SECTION 97-37-5, MISSISSIPPI CODE OF 1972, TO REVISE THE
6 PENALTY FOR THE CARRYING OF A CONCEALED WEAPON BY A CONVICTED
7 FELON; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
8 LEGISLATURE OF THE STATE OF MISSISSIPPI:

9
10 SECTION 1. Section 97-37-1, Mississippi Code of 1972, is
11 amended as follows:

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

23 * * *

24 (a) By commitment to the custody of the Department of
25 Corrections for not less than one (1) year nor more than three (3)
26 years for the first * * * conviction under this section.

27 (b) By commitment to the custody of the Department of
28 Corrections for not less than five (5) years nor more than ten
29 (10) years for any person previously convicted of any felony who

30 is convicted under this section.

31 (2) It shall not be a violation of this section for any
32 person over the age of twenty-one (21) years to carry a firearm or
33 deadly weapon concealed in whole or in part within the confines of
34 his own home or his place of business, or any real property
35 associated with his home or business or within any motor vehicle.

36 (3) It shall not be a violation of this section for any
37 person to carry a firearm or deadly weapon concealed in whole or
38 in part if the possessor of the weapon is then engaged in a
39 legitimate weapon-related sports activity or is going to or
40 returning from such activity. For purposes of this subsection,
41 "legitimate weapon-related sports activity" means hunting,
42 fishing, target shooting or any other legal sports activity which
43 normally involves the use of a firearm or other weapon.

44 SECTION 2. Section 97-37-5, Mississippi Code of 1972, is
45 amended as follows:

46 97-37-5. (1) It shall be unlawful for any person who has
47 been convicted of a felony under the laws of this state, any other
48 state, or of the United States to possess any firearm or any bowie
49 knife, dirk knife, butcher knife, switchblade knife, metallic
50 knuckles, blackjack, or any muffler or silencer for any firearm
51 unless such person has received a pardon for such felony, has
52 received a relief from disability pursuant to Section 925(c) of
53 Title 18 of the U.S. Code, or has received a certificate of
54 rehabilitation pursuant to subsection (3) of this section.

55 (2) Any person violating this section shall be guilty of a
56 felony and, upon conviction thereof, shall be fined not more than
57 Five Thousand Dollars (\$5,000.00), or committed to the custody of
58 the State Department of Corrections for not less than five (5) nor
59 more than ten (10) years, or both.

60 (3) A person who has been convicted of a felony under the
61 laws of this state may apply to the court in which he was
62 convicted for a certificate of rehabilitation. The court may
63 grant such certificate in its discretion upon a showing to the
64 satisfaction of the court that the applicant has been
65 rehabilitated and has led a useful, productive and law-abiding
66 life since the completion of his sentence and upon the finding of

67 the court that he will not be likely to act in a manner dangerous
68 to public safety.

69 SECTION 3. This act shall take effect and be in force from
70 and after July 1, 1999.