

By: Senator(s) Harden

To: Judiciary

SENATE BILL NO. 2767

1 AN ACT TO AMEND SECTION 97-37-1, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT ANY PERSON 21 YEARS OR OLDER MAY CARRY A FIREARM OR  
 3 DEADLY WEAPON; TO PROVIDE THAT PERSONS OVER THE AGE OF 18, BUT  
 4 UNDER THE AGE OF 21 MUST HAVE THEIR PARENT'S CONSENT TO POSSESS A  
 5 FIREARM OR DEADLY WEAPON; TO PROVIDE THAT THE PARENT GIVING  
 6 CONSENT SHALL SIGN AN AFFIDAVIT STATING THAT HE IS GIVING CONSENT  
 7 FOR THE MINOR TO POSSESS A FIREARM OR DEADLY WEAPON; TO PROVIDE  
 8 THAT THE COMMISSIONER OF PUBLIC SAFETY SHALL PREPARE AND APPROVE  
 9 THE FORM FOR THE AFFIDAVIT; AND FOR RELATED PURPOSES.

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

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

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

24 (a) By a fine of not less than One Hundred Dollars  
 25 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by  
 26 imprisonment in the county jail for not more than six (6) months,  
 27 or both, in the discretion of the court, for the first conviction  
 28 under this section.

29 (b) By a fine of not less than One Hundred Dollars

30 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and  
31 imprisonment in the county jail for not less than thirty (30) days  
32 nor more than six (6) months, for the second conviction under this  
33 section.

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

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

41 (2) It shall not be a violation of this section for any  
42 person who is the age of twenty-one (21) years or older to carry a  
43 firearm or deadly weapon concealed in whole or in part within the  
44 confines of his own home or his place of business, or any real  
45 property associated with his home or business or within any motor  
46 vehicle. However, any person over the age of eighteen (18) but  
47 under the age of twenty-one (21) may carry a firearm or deadly  
48 weapon in accordance with this subsection, if he has the consent  
49 of a parent or guardian. The parent or guardian giving consent  
50 must present to the Department of Public Safety, a signed  
51 affidavit, his signature being witnessed and acknowledged by a  
52 notary public or other person authorized under the laws of this  
53 state to administer oaths, stating that he is the parent or  
54 guardian of the minor, and that he is giving his consent to allow  
55 the minor to possess a firearm or deadly weapon. The form for the  
56 affidavit is to be prepared and approved by the Commissioner of  
57 Public Safety.

58 (3) It shall not be a violation of this section for any  
59 person to carry a firearm or deadly weapon concealed in whole or  
60 in part if the possessor of the weapon is then engaged in a  
61 legitimate weapon-related sports activity or is going to or  
62 returning from such activity. For purposes of this subsection,

63 "legitimate weapon-related sports activity" means hunting,  
64 fishing, target shooting or any other legal sports activity which  
65 normally involves the use of a firearm or other weapon.

66 SECTION 2. This act shall take effect and be in force from  
67 and after July 1, 1999.