

By: Compretta

To: Judiciary B

HOUSE BILL NO. 44

1 AN ACT TO AMEND SECTIONS 97-37-1 AND 97-37-7, MISSISSIPPI
2 CODE OF 1972, TO CLARIFY THE PROHIBITION AGAINST CARRYING WEAPONS
3 INTO A COURTHOUSE; TO PROVIDE PENALTIES FOR VIOLATIONS; AND FOR
4 RELATED PURPOSES.

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

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

8 97-37-1. (1) Except as otherwise provided in Section
9 45-9-101, any person who carries, concealed in whole or in part,
10 any bowie knife, dirk knife, butcher knife, switchblade knife,
11 metallic knuckles, blackjack, slingshot, pistol, revolver, or any
12 rifle with a barrel of less than sixteen (16) inches in length, or
13 any shotgun with a barrel of less than eighteen (18) inches in
14 length, machine gun or any fully automatic firearm or deadly
15 weapon, or any muffler or silencer for any firearm, whether or not
16 it is accompanied by a firearm, or uses or attempts to use against
17 another person any imitation firearm, shall upon conviction be
18 punished as follows:

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

23 under this section.

24 (b) By a fine of not less than One Hundred Dollars
25 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and
26 imprisonment in the county jail for not less than thirty (30) days
27 nor more than six (6) months, for the second conviction under this
28 section.

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

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

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

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

49 (4) Any person who violates subsection (1) of this section
50 by illegally carrying a weapon into a courthouse shall be punished
51 by twice the amount of fines and imprisonment provided in
52 subsection (1).

53 SECTION 2. Section 97-37-7, Mississippi Code of 1972, is

54 amended as follows:

55 97-37-7. (1) It shall not be a violation of Section 97-37-1
56 or any other statute for pistols, firearms or other suitable and
57 appropriate weapons to be carried by duly constituted bank guards,
58 company guards, watchmen, railroad special agents or duly
59 authorized representatives, agents or employees of a patrol
60 service, guard service, or a company engaged in the business of
61 transporting money, securities or other valuables, while actually
62 engaged in the performance of their duties as such, provided that
63 such persons are under bond in a sum of not less than One Thousand
64 Dollars (\$1,000.00) for the lawful and faithful performance of
65 their duties, the cost of which bond shall be paid by the employer
66 of such persons; and further provided that such persons have first
67 made written application and obtained an annual permit so to do
68 from the sheriff of the county in which they are employed.
69 Provided, however, that where the duties of any person covered by
70 the provisions of this paragraph may carry him into more than one
71 county, such person may file a bond in the sum of Two Thousand
72 Dollars (\$2,000.00) with the Commissioner of Public Safety, for
73 the lawful and faithful performance of his duties, the cost of the
74 bond shall be paid by the employer of such person, and provided
75 further that such person has first made written application with
76 and obtained a permit so to do from the Commissioner of Public
77 Safety, and said permit shall be valid as a statewide permit. No
78 such permit shall be issued to any person who has ever been
79 convicted of a felony under the laws of this or any other state or
80 of the United States.

81 (2) It shall further not be a violation of this or any other

82 statute for pistols, firearms or other suitable and appropriate
83 weapons to be carried by Department of Wildlife, Fisheries and
84 Parks law enforcement officers, investigators employed by the
85 Attorney General, criminal investigators employed by the district
86 attorneys, investigators or probation officers employed by the
87 Department of Corrections, employees of the State Auditor who are
88 authorized by the State Auditor to perform investigative
89 functions, or any deputy fire marshal or investigator employed by
90 the State Fire Marshal, while engaged in the performance of their
91 duties as such, or by fraud investigators with the Department of
92 Human Services, or by judges of the Mississippi Supreme Court,
93 Court of Appeals, circuit, chancery, county and municipal courts.

94 Before any person shall be authorized under this subsection to
95 carry a weapon, he shall complete a weapons training course
96 approved by the Board of Law Enforcement Officer Standards and
97 Training. Before any criminal investigator employed by a district
98 attorney shall be authorized under this section to carry a pistol,
99 firearm or other weapon, he shall have complied with Section
100 45-6-11 or any training program required for employment as an
101 agent of the Federal Bureau of Investigation. A law enforcement
102 officer, as defined in Section 45-6-3, shall be authorized to
103 carry weapons in courthouses in performance of his official
104 duties. This bill shall in no way interfere with the right of a
105 trial judge to restrict the carrying of firearms in the courtroom.
106 Any person who illegally carries a weapon into a courthouse shall
107 be punished as provided in Section 97-37-1(4).

108 SECTION 3. This act shall take effect and be in force from
109 and after July 1, 2000.