

By: Howell, Smith (39th)

To: Judiciary B

HOUSE BILL NO. 369

1 AN ACT TO CREATE SECTION 97-37-6, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT PERSONS WHO HAVE BEEN ADJUDICATED MENTALLY ILL FROM
3 POSSESSING DEADLY WEAPONS; AND FOR RELATED PURPOSES.

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

5 SECTION 1. The following shall be codified as Section
6 97-37-6, Mississippi Code of 1972:

7 97-37-6. (1) It shall be unlawful for any person who has
8 been adjudicated mentally ill under the laws of this state, any
9 other state, or of the United States and been committed for
10 inpatient mental treatment by court order to possess any firearm
11 or any bowie knife,, dirk knife, butcher knife, switchblade knife,
12 metallic knuckles, blackjack, or any muffler or silencer for any
13 firearm unless he has received a certificate of rehabilitation
14 pursuant to subsection (3) of this section.

15 (2) Any person violating this section shall be guilty of a
16 misdemeanor and, upon conviction thereof, shall be fined not more
17 than One Thousand Dollars (\$1,000.00), or committed to jail for
18 not more than six (6) months, or both.

19 (3) A person who has been adjudicated mentally ill and
20 committed for inpatient mental treatment under the laws of this
21 state may apply to the court in which he was committed for a

22 certificate of rehabilitation. The court may grant such
23 certificate in its discretion upon a showing to the satisfaction
24 of the court that the applicant has been treated for his illness,
25 is continuing to receive treatment in compliance with his
26 discharge, if applicable, and has been a law-abiding person since
27 the completion of his commitment and upon the finding of the court
28 that he will not be likely to act in a manner dangerous to the
29 public safety or to himself. If the commitment was by a court
30 outside this state, then the person may petition the chancery
31 court of his residence for the certificate of rehabilitation.

32 (4) Any firearm or device seized under this statute shall be
33 forfeited to the county and sold or destroyed in the manner
34 provided by law, unless an adult relative of the defendant who
35 does not reside in the house hold of the defendant agrees to take
36 possession of the firearm or device and keep it out of the
37 possession of the defendant upon penalty of contempt until the
38 defendant receives a certificate of rehabilitation pursuant to
39 subsection (3) above.

40 SECTION 2. This act shall take effect and be in force from
41 and after July 1, 2000.