

By: Livingston

To: Judiciary B

HOUSE BILL NO. 406

1 AN ACT TO AMEND SECTION 97-37-17, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT POSSESSION OF REPLICAS OF WEAPONS ON EDUCATIONAL
3 PROPERTY; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 97-37-17, Mississippi Code of 1972, is
6 amended as follows:

7 97-37-17. (1) The following definitions apply to this
8 section:

9 (a) "Educational property" shall mean any public or
10 private school building or bus, public or private school campus,
11 grounds, recreational area, athletic field, or other property
12 owned, used or operated by any local school board, school, college
13 or university board of trustees, or directors for the
14 administration of any public or private educational institution or
15 during a school related activity; provided however, that the term
16 "educational property" shall not include any sixteenth section
17 school land or lieu land on which is not located a school
18 building, school campus, recreational area or athletic field.

19 (b) "Student" shall mean a person enrolled in a public
20 or private school, college or university, or a person who has been
21 suspended or expelled within the last five (5) years from a public

22 or private school, college or university, whether the person is an
23 adult or a minor.

24 (c) "Switchblade knife" shall mean a knife containing a
25 blade or blades which open automatically by the release of a
26 spring or a similar contrivance.

27 (d) "Weapon" shall mean any device enumerated in
28 subsection (2) or (4) of this section.

29 (2) It shall be a felony for any person to possess or carry,
30 whether openly or concealed, any gun, rifle, pistol or other
31 firearm of any kind, or any replica thereof, or any dynamite
32 cartridge, bomb, grenade, mine or powerful explosive on
33 educational property. However, this subsection does not apply to
34 a BB gun, air rifle or air pistol. Any person violating this
35 subsection shall be guilty of a felony and, upon conviction
36 thereof, shall be fined not more than Five Thousand Dollars
37 (\$5,000.00), or committed to the custody of the State Department
38 of Corrections for not more than three (3) years, or both.

39 (3) It shall be a felony for any person to cause, encourage
40 or aid a minor who is less than eighteen (18) years old to possess
41 or carry, whether openly or concealed, any gun, rifle, pistol or
42 other firearm of any kind, or any replica thereof, or any dynamite
43 cartridge, bomb, grenade, mine or powerful explosive on
44 educational property. However, this subsection does not apply to
45 a BB gun, air rifle or air pistol. Any person violating this
46 subsection shall be guilty of a felony and, upon conviction
47 thereof, shall be fined not more than Five Thousand Dollars
48 (\$5,000.00), or committed to the custody of the State Department
49 of Corrections for not more than three (3) years, or both.

50 (4) It shall be a misdemeanor for any person to possess or
51 carry, whether openly or concealed, any BB gun, air rifle, air
52 pistol, bowie knife, dirk, dagger, slingshot, leaded cane,

53 switchblade knife, blackjack, metallic knuckles, razors and razor
54 blades (except solely for personal shaving), and any sharp-pointed
55 or edged instrument except instructional supplies, unaltered nail
56 files and clips and tools used solely for preparation of food,
57 instruction and maintenance on educational property. Any person
58 violating this subsection shall be guilty of a misdemeanor and,
59 upon conviction thereof, shall be fined not more than One Thousand
60 Dollars (\$1,000.00), or be imprisoned not exceeding six (6)
61 months, or both.

62 (5) It shall be a misdemeanor for any person to cause,
63 encourage or aid a minor who is less than eighteen (18) years old
64 to possess or carry, whether openly or concealed, any BB gun, air
65 rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded
66 cane, switchblade, knife, blackjack, metallic knuckles, razors and
67 razor blades (except solely for personal shaving) and any
68 sharp-pointed or edged instrument except instructional supplies,
69 unaltered nail files and clips and tools used solely for
70 preparation of food, instruction and maintenance on educational
71 property. Any person violating this subsection shall be guilty of
72 a misdemeanor and, upon conviction thereof, shall be fined not
73 more than One Thousand Dollars (\$1,000.00), or be imprisoned not
74 exceeding six (6) months, or both.

75 (6) It shall not be a violation of this section for any
76 person to possess or carry, whether openly or concealed, any gun,
77 rifle, pistol or other firearm of any kind on educational property
78 if:

79 (a) The person is not a student attending school on any
80 educational property;

81 (b) The firearm is within a motor vehicle; and

82 (c) The person does not brandish, exhibit or display
83 the firearm in any careless, angry or threatening manner.

84 (7) This section shall not apply to:

85 (a) A weapon used solely for educational or
86 school-sanctioned ceremonial purposes, or used in a
87 school-approved program conducted under the supervision of an
88 adult whose supervision has been approved by the school authority;

89 (b) Armed Forces personnel of the United States,
90 officers and soldiers of the militia and National Guard, law
91 enforcement personnel, any private police employed by an
92 educational institution, State Militia or Emergency Management
93 Corps and any guard or patrolman in a state or municipal
94 institution, when acting in the discharge of their official
95 duties;

96 (c) Home schools as defined in the compulsory school
97 attendance law, Section 37-13-91;

98 (d) Competitors while participating in organized
99 shooting events;

100 (e) Any person as authorized in Section 97-37-7 while
101 in the performance of his official duties;

102 (f) Any mail carrier while in the performance of his
103 official duties; or

104 (g) Any weapon not prescribed by Section 97-37-1 which
105 is in a motor vehicle under the control of a parent, guardian or
106 custodian, as defined in Section 43-21-105, which is used to bring
107 or pick up a student at a school building, school property or
108 school function.

109 (8) All schools shall post in public view a copy of the
110 provisions of this section.

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