

By: Mayo

To: Juvenile Justice

HOUSE BILL NO. 851

1 AN ACT TO PROVIDE CRIMINAL LIABILITY FOR PARENTS OF CERTAIN
2 CHILDREN WHO POSSESS THE PARENT'S FIREARM AWAY FROM HOME WITHOUT
3 SUPERVISION; TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION
4 97-37-1, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR
5 RELATED PURPOSES.

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

7 SECTION 1. (1) If a minor under the age of thirteen (13)
8 years possesses a firearm belonging to the parent of such minor
9 outside of the home of the parent and without the supervision of
10 the parent, the parent shall be guilty of a misdemeanor and, upon
11 conviction, shall be punished by a fine of not more than One
12 Thousand Dollars (\$1,000.00) or by imprisonment for not more than
13 one (1) years, or both.

14 (2) If a minor child under the age of thirteen (13) years
15 possesses a firearm as described in subsection (1) of this section
16 and such firearm is used in the commission of a crime or is used
17 to harm another person, the parent of such minor child shall be
18 guilty of a felony and, upon conviction, shall be punished by a
19 fine of more than Five Thousand Dollars (\$5,000.00) or by
20 imprisonment for not more than five (5) years, or both.

21 SECTION 2. Section 97-37-1, Mississippi Code of 1972, is
22 amended as follows:

23 97-37-1. (1) Except as otherwise provided in Section
24 45-9-101 and Section 1 of this act, any person who carries,
25 concealed in whole or in part, any bowie knife, dirk knife,
26 butcher knife, switchblade knife, metallic knuckles, blackjack,
27 slingshot, pistol, revolver, or any rifle with a barrel of less
28 than sixteen (16) inches in length, or any shotgun with a barrel
29 of less than eighteen (18) inches in length, machine gun or any
30 fully automatic firearm or deadly weapon, or any muffler or
31 silencer for any firearm, whether or not it is accompanied by a
32 firearm, or uses or attempts to use against another person any
33 imitation firearm, shall upon conviction be punished as follows:

34 (a) By a fine of not less than One Hundred Dollars
35 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
36 imprisonment in the county jail for not more than six (6) months,
37 or both, in the discretion of the court, for the first conviction
38 under this section.

39 (b) By a fine of not less than One Hundred Dollars
40 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and
41 imprisonment in the county jail for not less than thirty (30) days
42 nor more than six (6) months, for the second conviction under this
43 section.

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

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

51 (2) It shall not be a violation of this section for any
52 person over the age of eighteen (18) years to carry a firearm or
53 deadly weapon concealed in whole or in part within the confines of

54 his own home or his place of business, or any real property
55 associated with his home or business or within any motor vehicle.

56 (3) It shall not be a violation of this section for any
57 person to carry a firearm or deadly weapon concealed in whole or
58 in part if the possessor of the weapon is then engaged in a
59 legitimate weapon-related sports activity or is going to or
60 returning from such activity. For purposes of this subsection,
61 "legitimate weapon-related sports activity" means hunting,
62 fishing, target shooting or any other legal sports activity which
63 normally involves the use of a firearm or other weapon.

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