

By: Scott (80th)

To: Judiciary B

HOUSE BILL NO. 1154

1 AN ACT TO REQUIRE THE REGISTRATION OF FIREARMS; TO IMPOSE
2 SPECIFIC PROVISIONS FOR THE REGISTRATION OF WEAPONS PURCHASED
3 THROUGH THE MAIL; TO SPECIFY THE TIME, PLACE AND PROCEDURE FOR
4 REGISTRATION; TO PROVIDE FOR REGISTRATION FORMS; TO REQUIRE
5 DEALERS TO KEEP RECORDS OF THE SALE OF FIREARMS; TO PROVIDE
6 AUTHORITY TO PURCHASE EQUIPMENT AND SUPPLIES; TO PROVIDE PENALTIES
7 FOR FAILURE TO REGISTER FIREARMS; TO PROVIDE A TRANSIENT
8 NONRESIDENT EXEMPTION NOT TO EXCEED 30 DAYS; TO REQUIRE
9 REGISTRATION AFTER TRANSFER OF A FIREARM; TO AUTHORIZE THE
10 PURCHASE OF RIFLES AND SHOTGUNS IN CONTIGUOUS STATES; TO REPEAL
11 SECTIONS 45-9-51 AND 45-9-53, MISSISSIPPI CODE OF 1972, WHICH
12 RESTRICT LOCAL GOVERNMENTS FROM REGULATING FIREARMS; AND FOR
13 RELATED PURPOSES.

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

15 SECTION 1. Every person in this state who now owns or has in
16 his possession, or who shall hereafter acquire any pistol or
17 revolver, or any machine guns, submachine guns and/or similar
18 firearms or any other high-powered rifle with a velocity of more
19 than two thousand (2,000) feet per second at the muzzle, shall be
20 required to register such weapon in the manner and within the time
21 hereinafter specified; provided, however, that the provisions of
22 Sections 1 through 10 of this act shall not apply to any person,
23 firm or corporation regularly engaged in the sale of such weapons
24 in the usual course of business from an established and permanent
25 place of business, except as herein provided; and provided,
26 further, that the provisions of Sections 1 through 10 of this act
27 shall not apply to any firearms manufactured prior to January 1,
28 1900, nor to any firearm manufactured since that date which is not
29 capable of being discharged and which has been procured and has
30 been kept by the owner thereof as a relic or historical specimen,
31 nor to any firearms furnished to the organized militia of this

32 state, or the Armed Forces of the United States for their use.

33 SECTION 2. All registrations of weapons under the provisions
34 of Sections 1 through 10 of this act shall be made with the
35 sheriff of the county in which the person owning or possessing
36 same resides, or if such person has no fixed residence within this
37 state, then such weapon shall be registered with the sheriff of
38 the county in which such weapon is usually kept or maintained.
39 All such weapons now owned or possessed by any person or which may
40 be hereafter acquired within eighty (80) days after the effective
41 date of this act shall be registered with such sheriff within
42 ninety (90) days after the effective date of Sections 1 through 10
43 of this act, and thereafter all such weapons which shall be
44 acquired, owned or possessed shall be registered with such sheriff
45 within ten (10) days after the acquisition thereof by such person
46 except weapons which are purchased and transported by mail. A
47 weapon purchased and transported by mail shall be registered with
48 such sheriff within forty-eight (48) hours of receipt. The seller
49 of a weapon by mail shall provide notice to the purchaser that
50 such weapon shall be registered within forty-eight (48) hours of
51 receipt or the person failing to register such weapon shall be
52 subject to the fines and penalties provided in Section 7 of this
53 act. If the seller of a weapon by mail fails to provide notice of
54 registration to the purchaser, the seller shall be punished as
55 provided in Section 7 of this act.

56 SECTION 3. All registrations of such weapons shall be made
57 in duplicate, on forms to be provided by the board of supervisors
58 of each county, which forms shall require the following
59 information:

60 (a) The name, address, including the street address,
61 and the Social Security number and date of birth of the owner or
62 person possessing such weapon;

63 (b) The age, race and sex of such person;

64 (c) A fully detailed description of such weapon, giving
65 the make, model and serial number;

66 (d) The name, address, including the street address,
67 and the Social Security or tax identification number of the person
68 from whom such weapon was acquired or purchased; and

69 (e) Where such weapon is usually kept.

70 Such form shall be fully filled out by the person owning or
71 possessing such weapon and the completed form shall be filed, in
72 duplicate, with the sheriff of the proper county. Both the
73 original and duplicate of such forms shall be signed by the
74 registrant and his signature shall be witnessed by two (2)
75 responsible persons, whose addresses shall be shown upon the
76 registration form.

77 SECTION 4. The original registration form so filed shall be
78 retained by the sheriff in a safe and convenient file to be
79 furnished him by the board of supervisors for that purpose. All
80 such registrations shall be filed and arranged in alphabetical
81 order and shall be open to the inspection of any person at any
82 time during the regular hours of business.

83 SECTION 5. Any person, firm or corporation dealing in
84 firearms shall keep a description thereof in his place of
85 business, showing the kind of weapon as used in Sections 1 through
86 10 of this act, the name of the manufacturer and the serial number
87 and from whom purchased, and upon the sale of such pistol or gun,
88 a record of the name, address, Social Security number and date of
89 birth of person to whom sold.

90 The records so made by said dealer shall be kept by him for a
91 period of five (5) years and shall be subject to inspection by any
92 police officer or sheriff of the state.

93 SECTION 6. All supplies, equipment and furniture necessary
94 in the enforcement of Sections 1 through 10 of this act, shall be
95 paid by the board of supervisors of each county out of the general
96 fund upon presentation and allowance therefor of itemized bills as
97 provided by law.

98 SECTION 7. Any person who shall fail or refuse to register
99 any weapon or seller who fails to provide registration notice to
100 purchasers who purchase weapons by mail as required by Section 2
101 of this act shall be guilty of a misdemeanor and upon conviction

102 for a first offense shall be punished by a fine of One Thousand
103 Dollars (\$1,000.00). Any person or seller convicted of a second
104 violation of Section 2 of this act shall be guilty of a
105 misdemeanor and shall be punished by a fine of Two Thousand
106 Dollars (\$2,000.00) and imprisonment for not more than one (1)
107 year. Any person or seller convicted of a third or subsequent
108 violation of Section 2 of this act shall be guilty of a felony and
109 shall be punished by a fine of Five Thousand Dollars (\$5,000.00)
110 and imprisonment for not less than one (1) year nor more than five
111 (5) years.

112 SECTION 8. The provisions of Sections 1 through 10 of this
113 act shall not apply to a transient nonresident of this state
114 bringing a weapon with him in the course of travel into or through
115 this state, where such weapon does not remain herein for more than
116 thirty (30) days.

117 SECTION 9. It will be necessary to register firearms under
118 Sections 1 through 10 of this act only one (1) time as long as
119 said firearm remains in the possession of the person registering
120 same, provided that when the registered firearm shall be sold or
121 given away by the person registering same, then the person
122 acquiring possession of such firearm shall register same as herein
123 provided.

124 SECTION 10. It is declared that it is in the public interest
125 to authorize residents of this state to purchase or otherwise
126 obtain rifles and shotguns in states contiguous to this state in
127 compliance with such other laws of this state or its political
128 subdivisions as may be applicable and in compliance with 18 USCS
129 921 et seq. and in compliance with Section 2 of this act.

130 As used in this section, the term "a state contiguous to this
131 state" shall mean any state with a border touching a border of
132 this state. As used in this section, all other terms shall be
133 given the meaning prescribed in 18 USCS 921 et seq. and the
134 regulations duly promulgated thereunder as presently enacted or

135 promulgated and as hereinafter modified.

136 It shall be lawful for a person residing in this state
137 (including a corporation or other business entity maintaining a
138 place of business in this state) to purchase or otherwise obtain a
139 rifle or shotgun in a state contiguous to this state and to
140 receive or transport such rifle or shotgun into this state subject
141 to the provisions of Section 2 of this act.

142 This section shall not apply or be construed to affect in any
143 way the purchase, receipt or transportation of rifles and shotguns
144 by federally licensed firearms manufacturers, importers, dealers
145 or collectors.

146 SECTION 11. Sections 45-9-51 and 45-9-53, Mississippi Code
147 of 1972, which prohibit local governments from regulating the
148 sale, possession, transportation or transfer of firearms, are
149 repealed.

150 SECTION 12. This act shall take effect and be in force from
151 and after its passage.