

By: Hyde-Smith

To: Judiciary

SENATE BILL NO. 2971

1 AN ACT TO AMEND SECTION 45-9-151, MISSISSIPPI CODE OF 1972,
2 TO REVISE DISPOSAL BY LAW ENFORCEMENT AGENCIES OF SEIZED WEAPONS;
3 AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 45-9-151, Mississippi Code of 1972, is
6 amended as follows:[CSQ1]

7 45-9-151. (1) Every law enforcement agency of the state or
8 of any political subdivision thereof shall maintain a docket which
9 shall contain a record of all deadly weapons that are seized by
10 employees of such law enforcement agency. Such docket shall
11 include the name of the arresting officer, the date of the arrest,
12 the charge upon which the seizure was based, the name of the
13 person from whom such deadly weapon was seized, the physical
14 description of the deadly weapon, the serial number, if any, of
15 the deadly weapon, and the chain of custody of the deadly weapon.

16 (2) Every deadly weapon seized by any law enforcement
17 officer shall be entered into the docket required to be maintained
18 pursuant to subsection (1) of this section within ten (10) days
19 after the occurrence of such seizure.

20 (3) If the court orders any seized deadly weapon to be
21 forfeited and disposed of by sale, the proceeds of such sale shall
22 be deposited into the general fund of the governmental entity of
23 which such law enforcement agency is a part and shall be budgeted
24 to such law enforcement agency. The provisions of this subsection
25 shall not apply to deadly weapons that are subject to forfeiture
26 pursuant to Section 41-29-153, Mississippi Code of 1972. The

27 court may also order any weapon to be destroyed, which destruction
28 shall be duly entered in the docket required to be maintained
29 pursuant to this subsection.

30 (4) Any law enforcement officer who knowingly fails to cause
31 a seized deadly weapon to be entered into the docket within the
32 time limit specified in subsection (2) of this section shall be
33 guilty of a misdemeanor and, upon conviction thereof, may be fined
34 not more than One Thousand Dollars (\$1,000.00). A conviction
35 under the provisions of this section shall not be used as the
36 basis for removal of a person from elective office.

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