HOUSE BILL NO. 143

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

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

SECTION 1. (1) If a minor under the age of thirteen (13) years possesses a firearm belonging to the parent of such minor outside of the home of the parent and without the supervision of the parent, the parent shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00).

(2) If a minor child under the age of thirteen (13) years possesses a firearm as described in subsection (1) of this section and such firearm is used in the commission of a crime or is used to harm another person, the parent of such minor child shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00).

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

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

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

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

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

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

(2) It shall not be a violation of this section for any
person over the age of eighteen (18) years to carry a firearm or
deadly weapon concealed in whole or in part within the confines of
his own home or his place of business, or any real property
associated with his home or business or within any motor vehicle.

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

SECTION 3. This act shall take effect and be in force from and after July 1, 2001.