HOUSE BILL NO. 902

1 AN ACT TO AMEND SECTION 97-37-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY PERSON TWENTY-ONE YEARS OR OLDER MAY CARRY A FIREARM OR DEADLY WEAPON; TO PROVIDE THAT PERSONS OVER THE AGE OF EIGHTEEN, BUT UNDER THE AGE OF TWENTY-ONE MUST HAVE THEIR PARENTS CONSENT TO POSSESS A FIREARM OR DEADLY WEAPON; TO PROVIDE THAT THE PARENT GIVING CONSENT SHALL SIGN AN AFFIDAVIT STATING THAT HE IS GIVING CONSENT FOR THE MINOR TO POSSESS A FIREARM OR DEADLY WEAPON; TO PROVIDE THAT THE COMMISSIONER OF PUBLIC SAFETY SHALL PREPARE AND APPROVE THE FORM FOR THE AFFIDAVIT; AND FOR RELATED PURPOSES.

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

SECTION 1. 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, 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 who is the age of twenty-one (21) years or older 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. However, any person over the age of eighteen (18), but
under the age of twenty-one (21) may carry a firearm or deadly
weapon in accordance with this subsection, if he has the consent
of a parent or guardian. The parent or guardian giving consent
must present, to the Department of Public Safety, a signed
affidavit, his signature being witnessed and acknowledged by a
notary public or other person authorized under the laws of this
state to administer oaths, stating that he is the parent or
guardian of the minor, and that he is giving his consent to allow
the minor to possess a firearm or deadly weapon. The form for the
affidavit is to be prepared and approved by the Commissioner of
Public Safety.

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