

By: Representative Wallace

To: Judiciary B

## HOUSE BILL NO. 903

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 11 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 11 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 11 of this act shall be made with the  
35 Department of Public Safety through the sheriff of the county or  
36 the chief of police of the municipality in which the person owning  
37 or possessing same resides, or if such person has no fixed  
38 residence within this state, then such weapon shall be registered  
39 with the sheriff of the county in which such weapon is usually  
40 kept or maintained. All such weapons now owned or possessed by  
41 any person or which may be hereafter acquired within eighty (80)  
42 days after the effective date of this act shall be registered with  
43 such sheriff or chief of police within ninety (90) days after the  
44 effective date of Sections 1 through 11 of this act, and  
45 thereafter all such weapons which shall be acquired, owned or  
46 possessed shall be registered with such sheriff or chief of police  
47 within ten (10) days after the acquisition thereof by such person  
48 except weapons which are purchased and transported by mail. A  
49 weapon purchased and transported by mail shall be registered with  
50 such sheriff or chief of police within forty-eight (48) hours of  
51 receipt. The seller of a weapon by mail shall provide notice to  
52 the purchaser that such weapon shall be registered within  
53 forty-eight (48) hours of receipt or the person failing to  
54 register such weapon shall be subject to the fines and penalties  
55 provided in Section 7 of this act. If the seller of a weapon by  
56 mail fails to provide notice of registration to the purchaser, the  
57 seller shall be punished as provided in Section 7 of this act.

58        SECTION 3. All registrations of such weapons shall be made  
59 in duplicate, on forms to be provided by the Department of Public  
60 Safety, which forms shall require the following information:

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

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



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

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

70 (e) Where such weapon is usually kept.

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

78 SECTION 4. The original registration form so filed shall be  
79 forwarded to and retained by the Department of Public Safety in a  
80 safe and convenient file. All such registrations shall be filed  
81 and arranged in alphabetical order and shall be open to the  
82 inspection of any person at any time during the regular hours of  
83 business.

84 SECTION 5. Any person, firm or corporation dealing in  
85 firearms shall keep a description thereof in his place of  
86 business, showing the kind of weapon as used in Sections 1 through  
87 11 of this act, the name of the manufacturer and the serial number  
88 and from whom purchased, and upon the sale of such pistol or gun,  
89 a record of the name, address, social security number and date of  
90 birth of person to whom sold.

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

94 SECTION 6. All supplies, equipment and furniture necessary  
95 in the enforcement of Sections 1 through 11 of this act, shall be  
96 paid by the board of supervisors of each county or the governing  
97 authorities of each municipality out of the general fund upon



98 presentation and allowance therefor of itemized bills as provided  
99 by law.

100       SECTION 7. Any person who shall fail or refuse to register  
101 any weapon or seller who fails to provide registration notice to  
102 purchasers who purchase weapons by mail as required by Section 2  
103 of this act shall be guilty of a misdemeanor and upon conviction  
104 for a first offense shall be punished by a fine of One Thousand  
105 Dollars (\$1,000.00). Any person or seller convicted of a second  
106 violation of Section 2 of this act shall be guilty of a  
107 misdemeanor and shall be punished by a fine of Two Thousand  
108 Dollars (\$2,000.00) and imprisonment for not more than one (1)  
109 year. Any person or seller convicted of a third or subsequent  
110 violation of Section 2 of this act shall be guilty of a felony and  
111 shall be punished by a fine of Five Thousand Dollars (\$5,000.00)  
112 and imprisonment for not less than one (1) year nor more than five  
113 (5) years.

114       SECTION 8. The provisions of Sections 1 through 11 of this  
115 act shall not apply to a transient nonresident of this state  
116 bringing a weapon with him in the course of travel into or through  
117 this state, where such weapon does not remain herein for more than  
118 thirty (30) days.

119       SECTION 9. It will be necessary to register firearms under  
120 Sections 1 through 11 of this act only one (1) time as long as  
121 said firearm remains in the possession of the person registering  
122 same, provided that when the registered firearm shall be sold or  
123 given away by the person registering same, then the person  
124 acquiring possession of such firearm shall register same as herein  
125 provided.

126       SECTION 10. It is declared that it is in the public interest  
127 to authorize residents of this state to purchase or otherwise  
128 obtain rifles and shotguns in states contiguous to this state in  
129 compliance with such other laws of this state or its political



subdivisions as may be applicable and in compliance with 18 USCS 921 et seq. and in compliance with Section 2 of this act.

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

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

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

SECTION 11. Any owner of a firearm registered under this act which is stolen shall report to the Department of Public Safety within seven (7) days that such firearm has been stolen. Any person who properly registers a firearm under this act shall be immune from a civil suit resulting from a third party's intentional misuse or negligent act which causes harm or damage to another person or property.

SECTION 12. Sections 45-9-51 and 45-9-53, Mississippi Code of 1972, which prohibit local governments from regulating the sale, possession, transportation or transfer of firearms, are repealed.

SECTION 13. This act shall take effect and be in force from and after July 1, 2001.

