MISSISSIPPI LEGISLATURE

By: Representative Wallace

REGULAR SESSION 2001

To: Judiciary B

HOUSE BILL NO. 903

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

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

SECTION 1. Every person in this state who now owns or has in his possession, or who shall hereafter acquire any pistol or revolver, or any machine guns, submachine guns and/or similar firearms or any other high-powered rifle with a velocity of more than two thousand (2,000) feet per second at the muzzle, shall be required to register such weapon in the manner and within the time hereinafter specified; provided, however, that the provisions of Sections 1 through 11 of this act shall not apply to any person, firm or corporation regularly engaged in the sale of such weapons in the usual course of business from an established and permanent place of business, except as herein provided; and provided, further, that the provisions of Sections 1 through 11 of this act shall not apply to any firearms manufactured prior to January 1, 1900, nor to any firearm manufactured since that date which is not capable of being discharged and which has been procured and has been kept by the owner thereof as a relic or historical specimen, nor to any firearms furnished to the organized militia of this state, or the Armed Forces of the United States for their use.
SECTION 2. All registrations of weapons under the provisions of Sections 1 through 11 of this act shall be made with the Department of Public Safety through the sheriff of the county or the chief of police of the municipality in which the person owning or possessing same resides, or if such person has no fixed residence within this state, then such weapon shall be registered with the sheriff of the county in which such weapon is usually kept or maintained. All such weapons now owned or possessed by any person or which may be hereafter acquired within eighty (80) days after the effective date of this act shall be registered with such sheriff or chief of police within ninety (90) days after the effective date of Sections 1 through 11 of this act, and thereafter all such weapons which shall be acquired, owned or possessed shall be registered with such sheriff or chief of police within ten (10) days after the acquisition thereof by such person except weapons which are purchased and transported by mail. A weapon purchased and transported by mail shall be registered with such sheriff or chief of police within forty-eight (48) hours of receipt. The seller of a weapon by mail shall provide notice to the purchaser that such weapon shall be registered within forty-eight (48) hours of receipt or the person failing to register such weapon shall be subject to the fines and penalties provided in Section 7 of this act. If the seller of a weapon by mail fails to provide notice of registration to the purchaser, the seller shall be punished as provided in Section 7 of this act.

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

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

(b) The age, race and sex of such person;
(c) A fully detailed description of such weapon, giving the make, model and serial number;
(d) The name, address, including the street address, and the social security or tax identification number of the person from whom such weapon was acquired or purchased; and
(e) Where such weapon is usually kept.

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

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

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

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

SECTION 6. All supplies, equipment and furniture necessary in the enforcement of Sections 1 through 11 of this act, shall be paid by the board of supervisors of each county or the governing authorities of each municipality out of the general fund upon
presentation and allowance therefor of itemized bills as provided
by law.

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

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

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

SECTION 10. It is declared that it is in the public interest
to authorize residents of this state to purchase or otherwise
obtain rifles and shotguns in states contiguous to this state in
compliance with such other laws of this state or its political
subdivisions as may be applicable and in compliance with 18 USC
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 USC 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.