

By: Representative Rogers

To: Judiciary B

HOUSE BILL NO. 1032

1 AN ACT TO PRESCRIBE AN ADDITIONAL TERM OF PUNISHMENT FOR
2 FELONS WHO USE FIREARMS IN THE COMMISSION OF THEIR CRIMES; AND FOR
3 RELATED PURPOSES.

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

5 SECTION 1. (1) (a) For the purposes of this section,
6 "firearm" means any weapon which will or is designed to or may
7 readily be converted to expel a projectile by the action of an
8 explosive, a CO2 cartridge, or compressed air. The term "firearm"
9 also includes a starter gun or nonfunctioning replica or facsimile
10 of a real gun.

11 (b) The provisions of this section shall apply to the
12 following felonies:

13 (i) Murder, as defined in Section 97-3-19;

14 (ii) Mayhem, as defined in Section 97-3-59;

15 (iii) Kidnapping, as defined in Section 97-3-53;

16 (iv) Robbery, as defined in Section 97-3-73;

17 (v) Carjacking, as defined in Section 97-3-117;

18 (vi) Aggravated assault, as defined in Section
19 97-3-7;

20 (vii) Rape, as defined in Section 97-3-65;

21 (viii) Sexual battery, as defined in Section
22 97-3-95;

23 (ix) Unnatural intercourse, as defined in Section
24 97-29-59;

25 (x) Gratification of lust, as defined in Section
26 97-5-23;

27 (xi) Any felony punishable by death or
28 imprisonment in the State Penitentiary for life; and

29 (xii) Any attempt to commit one or more of the
30 crimes listed in this paragraph (b).

31 (2) Notwithstanding any other provision of law, any person
32 who is convicted of a felony specified in subsection (1) of this
33 section, and who carried, displayed, brandished or threatened with
34 a firearm during the commission of that felony shall be punished
35 by a term of imprisonment of one (1) year in the State
36 Penitentiary, which shall be imposed in addition and consecutively
37 to the punishment prescribed for that felony. The firearm need
38 not be operable or loaded for this enhancement to apply.

39 (3) Notwithstanding any other provision of law, any person
40 who is convicted of a felony specified in subsection (1) of this
41 section, and who in the commission of that felony intentionally
42 and personally discharged a firearm, shall be punished by a term
43 of imprisonment of two (2) years in the State Penitentiary, which
44 shall be imposed in addition and consecutively to the punishment
45 prescribed for that felony.

46 (4) Notwithstanding any other provision of law, any person
47 who is convicted of a felony specified in subsection (1) of this
48 section, and who in the commission of that felony intentionally
49 and personally discharged a firearm and caused bodily injury to
50 any person other than himself or an accomplice, shall be punished
51 by a term of imprisonment of five (5) years to life in the State
52 Penitentiary, which shall be imposed in addition and consecutively
53 to the punishment prescribed for that felony.

54 (5) Only one (1) additional term of imprisonment under this
55 section shall be imposed per person for each crime. If more than
56 one (1) enhancement per person is found true under this section,
57 the court shall impose upon that person the enhancement that
58 provides the longest term of imprisonment.

59 (6) Notwithstanding any other provision of law, probation
60 shall not be granted to, nor shall the execution or imposition of
61 sentence be suspended for, any person found to come within the
62 provisions of this section.

63 (7) The enhancements specified in this section shall not
64 apply to the lawful use or discharge of a firearm by a law
65 enforcement officer, or by any person in lawful self-defense,
66 lawful defense of another or lawful defense of property.

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