

By: Senator(s) Harden

To: Judiciary

SENATE BILL NO. 2186

1 AN ACT TO AMEND SECTION 97-37-1, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT ANY PERSON 21 YEARS OR OLDER MAY CARRY A FIREARM OR
 3 DEADLY WEAPON; TO PROVIDE THAT PERSONS OVER THE AGE OF 18, BUT
 4 UNDER THE AGE OF 21 MUST HAVE THEIR PARENT'S CONSENT TO POSSESS A
 5 FIREARM OR DEADLY WEAPON; TO PROVIDE THAT THE PARENT GIVING
 6 CONSENT SHALL SIGN AN AFFIDAVIT STATING THAT HE IS GIVING CONSENT
 7 FOR THE MINOR TO POSSESS A FIREARM OR DEADLY WEAPON; TO PROVIDE
 8 THAT THE COMMISSIONER OF PUBLIC SAFETY SHALL PREPARE AND APPROVE
 9 THE FORM FOR THE AFFIDAVIT; AND FOR RELATED PURPOSES.

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

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

13 97-37-1. (1) Except as otherwise provided in Section
 14 45-9-101, any person who carries, concealed in whole or in part,
 15 any bowie knife, dirk knife, butcher knife, switchblade knife,
 16 metallic knuckles, blackjack, slingshot, pistol, revolver, or any
 17 rifle with a barrel of less than sixteen (16) inches in length, or
 18 any shotgun with a barrel of less than eighteen (18) inches in
 19 length, machine gun or any fully automatic firearm or deadly
 20 weapon, or any muffler or silencer for any firearm, whether or not
 21 it is accompanied by a firearm, or uses or attempts to use against
 22 another person any imitation firearm, shall upon conviction be
 23 punished as follows:

24 (a) By a fine of not less than One Hundred Dollars
 25 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
 26 imprisonment in the county jail for not more than six (6) months,
 27 or both, in the discretion of the court, for the first conviction
 28 under this section.

29 (b) By a fine of not less than One Hundred Dollars
 30 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and



31 imprisonment in the county jail for not less than thirty (30) days
32 nor more than six (6) months, for the second conviction under this
33 section.

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

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

41 (2) It shall not be a violation of this section for any
42 person who is the age of twenty-one (21) years or older to carry a
43 firearm or deadly weapon concealed in whole or in part within the
44 confines of his own home or his place of business, or any real
45 property associated with his home or business or within any motor
46 vehicle. However, any person over the age of eighteen (18) but
47 under the age of twenty-one (21) may carry a firearm or deadly
48 weapon in accordance with this subsection if he has the consent of
49 a parent or guardian. The parent or guardian giving consent must
50 present to the Department of Public Safety a signed affidavit, his
51 signature being witnessed and acknowledged by a notary public or
52 other person authorized under the laws of this state to administer
53 oaths, stating that he is the parent or guardian of the minor, and
54 that he is giving his consent to allow the minor to possess a
55 firearm or deadly weapon. The form for the affidavit is to be
56 prepared and approved by the Commissioner of Public Safety.

57 (3) It shall not be a violation of this section for any
58 person to carry a firearm or deadly weapon concealed in whole or
59 in part if the possessor of the weapon is then engaged in a
60 legitimate weapon-related sports activity or is going to or
61 returning from such activity. For purposes of this subsection,
62 "legitimate weapon-related sports activity" means hunting,



63 fishing, target shooting or any other legal sports activity which
64 normally involves the use of a firearm or other weapon.

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

