To: Judiciary B

MISSISSIPPI LEGISLATURE REGULAR SESSION 2002
By: Representative Moak

HOUSE BILL NO. 541

AN ACT TO AMEND SECTION 97-37-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IT SHALL BE A FELONY FOR THE ILLEGAL CARRYING OF A DEADLY WEAPON IF THE OFFENSE OCCURS ON ANY PREMISES LICENSED TO SELL OR SERVE ALCOHOLIC BEVERAGES, BEER OR LIGHT WINE AND TO PROVIDE PENALTIES THEREFOR; 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.

(e) By imprisonment in the State Penitentiary for not less than two (2) years, nor more than ten (10) years, and by a fine not to exceed Five Thousand Dollars ($5,000.00), for any person convicted under this section if the offense occurs on any premises licensed or issued a permit under Title 67, Mississippi Code of 1972, for the sale or service of alcoholic beverages, beer or light wine. A violation of this paragraph shall be a felony.

(2) It shall not be a violation of this section for any person over the age of eighteen (18) years 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.

(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 its passage.