

By: Representative Holland

To: Judiciary B

HOUSE BILL NO. 561

1 AN ACT TO AMEND SECTION 97-37-5, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THE GRANTING OF CERTIFICATES OF REHABILITATION; AND FOR
3 RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-37-5, Mississippi Code of 1972, is
6 amended as follows:

7 97-37-5. (1) It shall be unlawful for any person who has
8 been convicted of a felony under the laws of this state, any other
9 state, or of the United States to possess any firearm or any bowie
10 knife, dirk knife, butcher knife, switchblade knife, metallic
11 knuckles, blackjack, or any muffler or silencer for any firearm
12 unless such person has received a pardon for such felony, has
13 received a relief from disability pursuant to Section 925(c) of
14 Title 18 of the U.S. Code, or has received a certificate of
15 rehabilitation pursuant to subsection (3) of this section.

16 (2) Any person violating this section shall be guilty of a
17 felony and, upon conviction thereof, shall be fined not more than
18 Five Thousand Dollars (\$5,000.00), or committed to the custody of
19 the State Department of Corrections for not more than three (3)
20 years, or both.

21 (3) A person who has been convicted of a felony under the
22 laws of this state may apply to the court in which he was
23 convicted for a certificate of rehabilitation. The court may
24 grant such certificate in its discretion upon a showing to the
25 satisfaction of the court that the applicant has been
26 rehabilitated and has led a useful, productive and law-abiding
27 life since the completion of his sentence and upon the finding of



28 the court that he will not be likely to act in a manner dangerous
29 to public safety. A person who is granted a certificate of
30 rehabilitation under this section on or after July 1, 1993, shall
31 not be considered a convicted felon under 18 USCS 921 and for the
32 purposes of 18 USCS 921 such person shall be deemed to have his
33 civil rights restored.

34 **SECTION 2.** This act shall take effect and be in force from
35 and after its passage.

