HOUSE BILL NO. 561

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

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

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

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

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

(3) A person who has been convicted of a felony under the laws of this state may apply to the court in which he was convicted for a certificate of rehabilitation. The court may grant such certificate in its discretion upon a showing to the satisfaction of the court that the applicant has been rehabilitated and has led a useful, productive and law-abiding life since the completion of his sentence and upon the finding of
the court that he will not be likely to act in a manner dangerous to public safety. A person who is granted a certificate of rehabilitation under this section on or after July 1, 1993, shall not be considered a convicted felon under 18 USCS 921 and for the purposes of 18 USCS 921 such person shall be deemed to have his civil rights restored.

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