

By: Representatives Rogers, Weathersby

To: Judiciary A

HOUSE BILL NO. 852

1 AN ACT TO AMEND SECTION 41-29-152, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR ENHANCEMENT OF PENALTY FOR CERTAIN VIOLATIONS OF
3 THE CONTROLLED SUBSTANCES ACT WHEN THE CRIME OCCURS IN A STRUCTURE
4 WHERE ANY CHILD UNDER THE AGE OF 16 OR A PERSON OVER THE AGE OF 65
5 IS PRESENT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 41-29-152, Mississippi Code of 1972, is
8 amended as follows:

9 41-29-152. (1) (a) Any person who violates Section
10 41-29-313 or who violates Section 41-29-139 with reference to a
11 controlled substance listed in Schedule I, II, III, IV or V as set
12 out in Sections 41-29-113 through 41-29-121, Mississippi Code of
13 1972, inclusive, and has in his possession any firearm, either at
14 the time of the commission of the offense or at the time any
15 arrest is made, may be punished by a fine up to twice that
16 authorized by Section 41-29-139 or 41-29-313, or by a term of
17 imprisonment or confinement up to twice that authorized by Section
18 41-29-139 or 41-29-313, or both.

19 (b) "Firearm" means any weapon, including a starter
20 gun, which will or is designed to or may readily be converted to
21 expel a projectile by the action of an explosive.

22 (2) Any person who violates Section 41-29-313 or who
23 violates Section 41-29-139 with reference to a controlled
24 substance listed in Schedule I, II, III, IV or V as set out in
25 Sections 41-29-113 through 41-29-121, Mississippi Code of 1972,
26 inclusive, when the violation occurs within a structure where a
27 child under the age of sixteen (16) or a person over the age of
28 sixty-five (65) is present, either at the time of the commission



29 of the offense or at the time any arrest is made, may be punished
30 by a fine up to twice that authorized by Section 41-29-139 or
31 41-29-313, or by a term of imprisonment or confinement up to twice
32 that authorized by Section 41-29-139 or 41-29-313, or both.

33 **SECTION 2.** This act shall take effect and be in force from
34 and after July 1, 2002.

