HOUSE BILL NO. 867

AN ACT TO REQUIRE THE REGISTRATION OF FIREARMS; TO IMPOSE
SPECIFIC PROVISIONS FOR THE REGISTRATION OF WEAPONS PURCHASED
THROUGH THE MAIL; TO SPECIFY THE TIME, PLACE AND PROCEDURE FOR
REGISTRATION; TO PROVIDE FOR REGISTRATION FORMS; TO REQUIRE
DEALERS TO KEEP RECORDS OF THE SALE OF FIREARMS; TO PROVIDE
AUTHORITY TO PURCHASE EQUIPMENT AND SUPPLIES; TO PROVIDE PENALTIES
FOR FAILURE TO REGISTER FIREARMS; TO PROVIDE A TRANSIENT
NONRESIDENT EXEMPTION NOT TO EXCEED 30 DAYS; TO REQUIRE
REGISTRATION AFTER TRANSFER OF A FIREARM; TO AUTHORIZE THE
PURCHASE OF RIFLES AND SHOTGUNS IN CONTIGUOUS STATES; TO REPEAL
SECTIONS 45-9-51 AND 45-9-53, MISSISSIPPI CODE OF 1972, WHICH
RESTRICT LOCAL GOVERNMENTS FROM REGULATING FIREARMS; AND FOR
RELATED PURPOSES.

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

SECTION 1. Every person in this state who now owns or has in
his possession, or who shall hereafter acquire any pistol or
revolver, or any machine guns, submachine guns and/or similar
firearms or any other high-powered rifle with a velocity of more
than two thousand (2,000) feet per second at the muzzle, shall be
required to register such weapon in the manner and within the time
hereinafter specified; provided, however, that the provisions of
Sections 1 through 11 of this act shall not apply to any person,
firm or corporation regularly engaged in the sale of such weapons
in the usual course of business from an established and permanent
place of business, except as herein provided; and provided,
further, that the provisions of Sections 1 through 11 of this act
shall not apply to any firearms manufactured prior to January 1,
1900, nor to any firearm manufactured since that date which is not
capable of being discharged and which has been procured and has
been kept by the owner thereof as a relic or historical specimen,
nor to any firearms furnished to the organized militia of this
state, or the Armed Forces of the United States for their use.
SECTION 2. All registrations of weapons under the provisions of Sections 1 through 11 of this act shall be made with the Department of Public Safety through the sheriff of the county or the chief of police of the municipality in which the person owning or possessing same resides, or if such person has no fixed residence within this state, then such weapon shall be registered with the sheriff of the county in which such weapon is usually kept or maintained. All such weapons now owned or possessed by any person or which may be hereafter acquired within eighty (80) days after the effective date of this act shall be registered with such sheriff or chief of police within ninety (90) days after the effective date of Sections 1 through 11 of this act, and thereafter all such weapons which shall be acquired, owned or possessed shall be registered with such sheriff or chief of police within ten (10) days after the acquisition thereof by such person except weapons which are purchased and transported by mail. A weapon purchased and transported by mail shall be registered with such sheriff or chief of police within forty-eight (48) hours of receipt. The seller of a weapon by mail shall provide notice to the purchaser that such weapon shall be registered within forty-eight (48) hours of receipt or the person failing to register such weapon shall be subject to the fines and penalties provided in Section 7 of this act. If the seller of a weapon by mail fails to provide notice of registration to the purchaser, the seller shall be punished as provided in Section 7 of this act.

SECTION 3. All registrations of such weapons shall be made in duplicate, on forms to be provided by the Department of Public Safety, which forms shall require the following information:

(a) The name, address, including the street address, and the social security number and date of birth of the owner or person possessing such weapon;

(b) The age, race and sex of such person;
(c) A fully detailed description of such weapon, giving
the make, model and serial number;
(d) The name, address, including the street address,
and the social security or tax identification number of the person
from whom such weapon was acquired or purchased; and
(e) Where such weapon is usually kept.

Such form shall be fully filled out by the person owning or
possessing such weapon and the completed form shall be filed, in
duplicate, with the sheriff of the proper county or the chief of
police of the proper municipality. Both the original and
duplicate of such forms shall be signed by the registrant and his
signature shall be witnessed by two (2) responsible persons, whose
addresses shall be shown upon the registration form.

SECTION 4. The original registration form so filed shall be
forwarded to and retained by the Department of Public Safety in a
safe and convenient file. All such registrations shall be filed
and arranged in alphabetical order and shall be open to the
inspection of any person at any time during the regular hours of
business.

SECTION 5. Any person, firm or corporation dealing in
firearms shall keep a description thereof in his place of
business, showing the kind of weapon as used in Sections 1 through
11 of this act, the name of the manufacturer and the serial number
and from whom purchased, and upon the sale of such pistol or gun,
a record of the name, address, social security number and date of
birth of person to whom sold.

The records so made by said dealer shall be kept by him for a
period of five (5) years and shall be subject to inspection by any
police officer or sheriff of the state.

SECTION 6. All supplies, equipment and furniture necessary
in the enforcement of Sections 1 through 11 of this act, shall be
paid by the board of supervisors of each county or the governing
authorities of each municipality out of the general fund upon
presentation and allowance therefor of itemized bills as provided by law.

**SECTION 7.** Any person who shall fail or refuse to register any weapon or seller who fails to provide registration notice to purchasers who purchase weapons by mail as required by Section 2 of this act shall be guilty of a misdemeanor and upon conviction for a first offense shall be punished by a fine of One Thousand Dollars ($1,000.00). Any person or seller convicted of a second violation of Section 2 of this act shall be guilty of a misdemeanor and shall be punished by a fine of Two Thousand Dollars ($2,000.00) and imprisonment for not more than one (1) year. Any person or seller convicted of a third or subsequent violation of Section 2 of this act shall be guilty of a felony and shall be punished by a fine of Five Thousand Dollars ($5,000.00) and imprisonment for not less than one (1) year nor more than five (5) years.

**SECTION 8.** The provisions of Sections 1 through 11 of this act shall not apply to a transient nonresident of this state bringing a weapon with him in the course of travel into or through this state, where such weapon does not remain herein for more than thirty (30) days.

**SECTION 9.** It will be necessary to register firearms under Sections 1 through 11 of this act only one (1) time as long as said firearm remains in the possession of the person registering same, provided that when the registered firearm shall be sold or given away by the person registering same, then the person acquiring possession of such firearm shall register same as herein provided.

**SECTION 10.** It is declared that it is in the public interest to authorize residents of this state to purchase or otherwise obtain rifles and shotguns in states contiguous to this state in compliance with such other laws of this state or its political...
subdivisions as may be applicable and in compliance with 18 USCS 130 921 et seq. and in compliance with Section 2 of this act.

As used in this section, the term "a state contiguous to this state" shall mean any state with a border touching a border of this state. As used in this section, all other terms shall be given the meaning prescribed in 18 USCS 921 et seq. and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereinafter modified.

It shall be lawful for a person residing in this state (including a corporation or other business entity maintaining a place of business in this state) to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state and to receive or transport such rifle or shotgun into this state subject to the provisions of Section 2 of this act.

This section shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

SECTION 11. Any owner of a firearm registered under this act which is stolen shall report to the Department of Public Safety within seven (7) days that such firearm has been stolen. Any person who properly registers a firearm under this act shall be immune from a civil suit resulting from a third party's intentional misuse or negligent act which causes harm or damage to another person or property.

SECTION 12. Sections 45-9-51 and 45-9-53, Mississippi Code of 1972, which prohibit local governments from regulating the sale, possession, transportation or transfer of firearms, are repealed.

SECTION 13. This act shall take effect and be in force from and after July 1, 2003.