

By: Representative Wallace

To: Judiciary B

HOUSE BILL NO. 867

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

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

15 **SECTION 1.** Every person in this state who now owns or has in
 16 his possession, or who shall hereafter acquire any pistol or
 17 revolver, or any machine guns, submachine guns and/or similar
 18 firearms or any other high-powered rifle with a velocity of more
 19 than two thousand (2,000) feet per second at the muzzle, shall be
 20 required to register such weapon in the manner and within the time
 21 hereinafter specified; provided, however, that the provisions of
 22 Sections 1 through 11 of this act shall not apply to any person,
 23 firm or corporation regularly engaged in the sale of such weapons
 24 in the usual course of business from an established and permanent
 25 place of business, except as herein provided; and provided,
 26 further, that the provisions of Sections 1 through 11 of this act
 27 shall not apply to any firearms manufactured prior to January 1,
 28 1900, nor to any firearm manufactured since that date which is not
 29 capable of being discharged and which has been procured and has
 30 been kept by the owner thereof as a relic or historical specimen,
 31 nor to any firearms furnished to the organized militia of this
 32 state, or the Armed Forces of the United States for their use.



33 **SECTION 2.** All registrations of weapons under the provisions
34 of Sections 1 through 11 of this act shall be made with the
35 Department of Public Safety through the sheriff of the county or
36 the chief of police of the municipality in which the person owning
37 or possessing same resides, or if such person has no fixed
38 residence within this state, then such weapon shall be registered
39 with the sheriff of the county in which such weapon is usually
40 kept or maintained. All such weapons now owned or possessed by
41 any person or which may be hereafter acquired within eighty (80)
42 days after the effective date of this act shall be registered with
43 such sheriff or chief of police within ninety (90) days after the
44 effective date of Sections 1 through 11 of this act, and
45 thereafter all such weapons which shall be acquired, owned or
46 possessed shall be registered with such sheriff or chief of police
47 within ten (10) days after the acquisition thereof by such person
48 except weapons which are purchased and transported by mail. A
49 weapon purchased and transported by mail shall be registered with
50 such sheriff or chief of police within forty-eight (48) hours of
51 receipt. The seller of a weapon by mail shall provide notice to
52 the purchaser that such weapon shall be registered within
53 forty-eight (48) hours of receipt or the person failing to
54 register such weapon shall be subject to the fines and penalties
55 provided in Section 7 of this act. If the seller of a weapon by
56 mail fails to provide notice of registration to the purchaser, the
57 seller shall be punished as provided in Section 7 of this act.

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

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

64 (b) The age, race and sex of such person;



65 (c) A fully detailed description of such weapon, giving
66 the make, model and serial number;

67 (d) The name, address, including the street address,
68 and the social security or tax identification number of the person
69 from whom such weapon was acquired or purchased; and

70 (e) Where such weapon is usually kept.

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

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

84 **SECTION 5.** Any person, firm or corporation dealing in
85 firearms shall keep a description thereof in his place of
86 business, showing the kind of weapon as used in Sections 1 through
87 11 of this act, the name of the manufacturer and the serial number
88 and from whom purchased, and upon the sale of such pistol or gun,
89 a record of the name, address, social security number and date of
90 birth of person to whom sold.

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

94 **SECTION 6.** All supplies, equipment and furniture necessary
95 in the enforcement of Sections 1 through 11 of this act, shall be
96 paid by the board of supervisors of each county or the governing
97 authorities of each municipality out of the general fund upon



98 presentation and allowance therefor of itemized bills as provided
99 by law.

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

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

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

126 **SECTION 10.** It is declared that it is in the public interest
127 to authorize residents of this state to purchase or otherwise
128 obtain rifles and shotguns in states contiguous to this state in
129 compliance with such other laws of this state or its political



130 subdivisions as may be applicable and in compliance with 18 USCS
131 921 et seq. and in compliance with Section 2 of this act.

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

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

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

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

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

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

