MISSISSIPPI LEGISLATURE

By: Representative Wallace

HOUSE BILL NO. 868

To: Judiciary B

MISSISSIPPI LEGISLATURE REGULAR SESSION 2003

AN ACT TO AMEND SECTION 97-37-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY PERSON TWENTY-ONE YEARS OR OLDER MAY CARRY A FIREARM OR DEADLY WEAPON; TO PROVIDE THAT PERSONS OVER THE AGE OF EIGHTEEN, BUT UNDER THE AGE OF TWENTY-ONE MUST HAVE THEIR PARENTS CONSENT TO POSSESS A FIREARM OR DEADLY WEAPON; TO PROVIDE THAT THE PARENT GIVING CONSENT SHALL SIGN AN AFFIDAVIT STATING THAT HE IS GIVING CONSENT FOR THE MINOR TO POSSESS A FIREARM OR DEADLY WEAPON; TO PROVIDE THAT THE COMMISSIONER OF PUBLIC SAFETY SHALL PREPARE AND APPROVE THE FORM FOR THE AFFIDAVIT; AND FOR RELATED PURPOSES.

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

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

97-37-1. (1) Except as otherwise provided in Section 45-9-101, any person who carries, concealed in whole or in part, any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, slingshot, pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or any muffler or silencer for any firearm, whether or not it is accompanied by a firearm, or uses or attempts to use against another person any imitation firearm, shall upon conviction be punished as follows:

(a) By a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or both, in the discretion of the court, for the first conviction under this section.

(b) By a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), and
imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, for the second conviction under this section.

(c) By imprisonment in the State Penitentiary for not less than one (1) year nor more than five (5) years, for the third or more convictions under this section.

(d) By imprisonment in the State Penitentiary for not less than one (1) year nor more than five (5) years for any person previously convicted of any felony who is convicted under this section.

(2) It shall not be a violation of this section for any person who is the age of twenty-one (21) years or older to carry a firearm or deadly weapon concealed in whole or in part within the confines of his own home or his place of business, or any real property associated with his home or business or within any motor vehicle. However, any person over the age of eighteen (18), but under the age of twenty-one (21) may carry a firearm or deadly weapon in accordance with this subsection, if he has the consent of a parent or guardian. The parent or guardian giving consent must present, to the Department of Public Safety, a signed affidavit, his signature being witnessed and acknowledged by a notary public or other person authorized under the laws of this state to administer oaths, stating that he is the parent or guardian of the minor, and that he is giving his consent to allow the minor to possess a firearm or deadly weapon. The form for the affidavit is to be prepared and approved by the Commissioner of Public Safety.

(3) It shall not be a violation of this section for any person to carry a firearm or deadly weapon concealed in whole or in part if the possessor of the weapon is then engaged in a legitimate weapon-related sports activity or is going to or returning from such activity. For purposes of this subsection, "legitimate weapon-related sports activity" means hunting,
ST: Weapons; must be 21 to possess unless parents give consent.

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.