

By: Representative Wallace

To: Judiciary B

HOUSE BILL NO. 868

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

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

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

14 97-37-1. (1) Except as otherwise provided in Section
 15 45-9-101, any person who carries, concealed in whole or in part,
 16 any bowie knife, dirk knife, butcher knife, switchblade knife,
 17 metallic knuckles, blackjack, slingshot, pistol, revolver, or any
 18 rifle with a barrel of less than sixteen (16) inches in length, or
 19 any shotgun with a barrel of less than eighteen (18) inches in
 20 length, machine gun or any fully automatic firearm or deadly
 21 weapon, or any muffler or silencer for any firearm, whether or not
 22 it is accompanied by a firearm, or uses or attempts to use against
 23 another person any imitation firearm, shall upon conviction be
 24 punished as follows:

25 (a) By a fine of not less than One Hundred Dollars
 26 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
 27 imprisonment in the county jail for not more than six (6) months,
 28 or both, in the discretion of the court, for the first conviction
 29 under this section.

30 (b) By a fine of not less than One Hundred Dollars
 31 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and



32 imprisonment in the county jail for not less than thirty (30) days
33 nor more than six (6) months, for the second conviction under this
34 section.

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

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

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

59 (3) It shall not be a violation of this section for any
60 person to carry a firearm or deadly weapon concealed in whole or
61 in part if the possessor of the weapon is then engaged in a
62 legitimate weapon-related sports activity or is going to or
63 returning from such activity. For purposes of this subsection,
64 "legitimate weapon-related sports activity" means hunting,



65 fishing, target shooting or any other legal sports activity which
66 normally involves the use of a firearm or other weapon.

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

