SENATE BILL NO. 2585

AN ACT TO AMEND SECTION 97-37-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SALE OF WEAPONS TO MINORS SHALL BE A FELONY; TO PROVIDE FOR A FINE AND IMPRISONMENT FOR A VIOLATION OF THIS ACT; TO AMEND SECTION 97-37-14, MISSISSIPPI CODE OF 1972, TO PROVIDE PENALTIES FOR MINORS WHO POSSESS CERTAIN WEAPONS ILLEGALLY; AND FOR RELATED PURPOSES.

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

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

97-37-13. (1) It shall not be lawful for any person to sell, give or lend to any person intoxicated, knowing him to be in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and, on conviction thereof, he shall be punished by a fine not more than One Thousand Dollars ($1,000.00), or imprisoned in the county jail not exceeding one (1) year, or both.

(2) Unless the consent of the parent or guardian of a minor has been given, it shall be unlawful for any person to sell, give or lend to a minor, knowing such person to be a minor, any handgun; and on conviction thereof, he shall be guilty of a felony and shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) and imprisonment not less than five (5) years in the State Penitentiary.

SECTION 2. Section 97-37-14, Mississippi Code of 1972, is amended as follows:

97-37-14. (1) Except as otherwise provided in this section, it is an act of delinquency for any person who has not attained the age of eighteen (18) years knowingly to have any handgun in such person's possession.
(2) This section shall not apply to:

(a) Any person who is:

(i) In attendance at a hunter's safety course or a firearms safety course; or

(ii) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited; or

(iii) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group under 501(c)(3) as determined by the federal Internal Revenue Service which uses firearms as a part of such performance; or

(iv) Hunting or trapping pursuant to a valid license issued to such person by the Department of Wildlife, Fisheries and Parks or as otherwise allowed by law; or

(v) Traveling with any handgun in such person's possession being unloaded to or from any activity described in subparagraph (i), (ii), (iii) or (iv) of this paragraph (a) and paragraph (b).

(b) Any person under the age of eighteen (18) years who is on real property under the control of an adult and who has the permission of such adult to possess a handgun.

(3) This section shall not apply to any person who uses a handgun or other firearm to lawfully defend himself from imminent danger at his home or place of domicile and any such person shall not be held criminally liable for such use of a handgun or other firearm.

(4) For the purposes of this section, "handgun" means a pistol, revolver or other firearm of any description, loaded or unloaded, from which any shot, bullet or other missile can be discharged, the length of the barrel of which, not including any
revolving, detachable or magazine breech, is less than sixteen
(16) inches.

(5) Any person under the age of eighteen (18) years who
violates this section, upon conviction, shall perform two hundred
(200) hours of community service within one (1) year, shall have
his driver's license suspended for one (1) year and shall be fined
up to Two Hundred Fifty Dollars ($250.00). For a second or
subsequent offense such person shall have his driver's license
suspended until he reaches the age of eighteen (18) years and
shall pay a fine of Five Hundred Dollars ($500.00).

SECTION 3. This act shall take effect and be in force from
and after its passage.