SENATE BILL NO. 2689

AN ACT TO AMEND SECTION 97-15-13, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT PERSONS IN POSSESSION OF FIREARMS ON ROADS HAVE THE FIREARM IN A CASE; TO PROVIDE CERTAIN EXCEPTIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 97-15-13, Mississippi Code of 1972, is amended as follows:

97-15-13. (1) (a) The provisions of this subsection shall only be applicable during the calendar days included in the open seasons on deer and turkey.

(b) It shall be prima facie evidence that a person is hunting if such person is in the possession of a uncased firearm or a firearm that is not unloaded on any street, public road, public highway, or any railroad which is maintained by any railroad corporation, city, county, state or federal entity or the right-of-way of any such street, road, highway or railroad, in an area in which wild game is or may be present, regardless of whether or not such firearm is within or without the confines of a motorized vehicle.

(c) The provisions of this subsection shall not apply to any person engaged in a lawful action to protect his property or livestock or any person who is authorized to hunt on the private land adjacent to the right-of-way.

(d) This section shall not apply to any person in possession of a firearm that is cased and unloaded.

(2) For purposes of this section, the following terms shall have the meanings ascribed to them herein:
(a) "Right-of-way" means that part of a street, public road, public highway or railroad maintained by a city, county, state or federal entity or railroad corporation and including that portion up to the adjacent property line or fence line.

(b) "Motorized vehicle" means any vehicle powered by any type of motor, including automobiles, farm vehicles, trucks, construction vehicles and all-terrain vehicles.

(c) "Firearm" means any firearm other than a handgun.

(d) "Hunt" or "hunting" means to hunt or chase or to shoot at or kill or to pursue with the intent to take, kill or wound any wild animal or wild bird with a firearm as defined in this subsection.

(e) "Unloaded" means that a cartridge or shell is not positioned in the barrel or magazine of the firearm or in a clip, magazine or retainer attached to the firearm and all ammunition is located in an enclosed compartment, container, box or garment; or in the case of a caplock muzzle-loading firearm, "unloaded" means that the cap has been removed; or in the case of a flintlock muzzle-loading firearm, "unloaded" means that all powder has been removed from the flashpan.

(3) If any person hunts or discharges any firearm in, on or across any street, public road, public highway, railroad or the right-of-way thereof, such person is guilty of a misdemeanor and, upon conviction, shall be punished by a fine 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 less than sixty (60) days nor more than six (6) months, or by both such fine and imprisonment. This subsection shall not apply to any law enforcement officer while in the performance of his official duty or to any person engaged in a lawful action of self-defense.

(4) If any person shall willfully shoot any firearms or hurl any missile at any street, highway or railroad traffic light;
regulation or designation of street, highway or railroad travel
such person, upon conviction, shall be fined not less than One
Hundred Dollars ($100.00) nor more than Five Hundred Dollars
($500.00), or be imprisoned not longer than thirty (30) days in
the county jail, or both.

(5) It shall be the duty of all sheriffs, deputy sheriffs,
constables, conservation officers and peace officers of this state
to enforce the provisions of this section.

(6) If any subsection, paragraph, sentence, clause, phrase
or any part of this section is hereafter declared to be
unconstitutional or void, or if for any reason is declared to be
invalid or of no effect, the remaining subsections, paragraphs,
sentences, clauses, phrases or parts thereof shall be in no manner
affected thereby but shall remain in full force and effect.

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