

By: Senator(s) Hyde-Smith

To: Wildlife and Fisheries

SENATE BILL NO. 2689

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

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

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

8 97-15-13. (1) (a) The provisions of this subsection shall  
9 only be applicable during the calendar days included in the open  
10 seasons on deer and turkey.

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

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

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

26 (2) For purposes of this section, the following terms shall  
27 have the meanings ascribed to them herein:



28           (a) "Right-of-way" means that part of a street, public  
29 road, public highway or railroad maintained by a city, county,  
30 state or federal entity or railroad corporation and including that  
31 portion up to the adjacent property line or fence line.

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

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

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

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

48           (3) If any person hunts or discharges any firearm in, on or  
49 across any street, public road, public highway, railroad or the  
50 right-of-way thereof, such person is guilty of a misdemeanor and,  
51 upon conviction, shall be punished by a fine not less than One  
52 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars  
53 (\$500.00) or by imprisonment in the county jail for not less than  
54 sixty (60) days nor more than six (6) months, or by both such fine  
55 and imprisonment. This subsection shall not apply to any law  
56 enforcement officer while in the performance of his official duty  
57 or to any person engaged in a lawful action of self-defense.

58           (4) If any person shall willfully shoot any firearms or hurl  
59 any missile at any street, highway or railroad traffic light;  
60 street, highway or railroad marker or other sign for the



61 regulation or designation of street, highway or railroad travel  
62 such person, upon conviction, shall be fined not less than One  
63 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars  
64 (\$500.00), or be imprisoned not longer than thirty (30) days in  
65 the county jail, or both.

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

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

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

