

By: Representative McBride

To: Judiciary B

HOUSE BILL NO. 1141  
(As Passed the House)

1 AN ACT TO AMEND SECTION 45-9-53, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THE REGULATION OF THE DISCHARGE OF FIREARMS IN COUNTIES OR  
3 MUNICIPALITIES; TO CLARIFY LIABILITIES OF EMPLOYERS WITH RESPECT  
4 TO THE TRANSPORTATION ON EMPLOYER'S PROPERTY; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 45-9-53, Mississippi Code of 1972, is  
8 amended as follows:

9 45-9-53. (1) This section and Section 45-9-51 do not affect  
10 the authority that a county or municipality may have under another  
11 law:

12 (a) To require citizens or public employees to be armed  
13 for personal or national defense, law enforcement, or another  
14 lawful purpose;

15 (b) To regulate the discharge of firearms within the  
16 limits of the county or municipality. A county or municipality  
17 may not apply a regulation relating to the discharge of firearms  
18 or other weapons in the extraterritorial jurisdiction of the  
19 county or municipality or in an area annexed by the county or  
20 municipality after September 1, 1981, if the firearm or other  
21 weapon is:

22 (i) A shotgun, air rifle or air pistol, BB gun or  
23 bow and arrow discharged:

24 1. On a tract of land of ten (10) acres or  
25 more and more than one hundred fifty (150) feet from a residence  
26 or occupied building located on another property; and

27 2. In a manner not reasonably expected to  
28 cause a projectile to cross the boundary of the tract; or

29                    (ii) A center fire or rim fire rifle or pistol of  
30 any caliber discharged:

31                    1. On a tract of land of fifty (50) acres or  
32 more and more than three hundred (300) feet from a residence or  
33 occupied building located on another property; and

34                    2. In a manner not reasonably expected to  
35 cause a projectile to cross the boundary of tract;

36                    (c) To regulate the use of property or location of  
37 businesses for uses therein pursuant to fire code, zoning  
38 ordinances, or land-use regulations, so long as such codes,  
39 ordinances and regulations are not used to circumvent the intent  
40 of Section 45-9-51 or subparagraph (e) of this section;

41                    (d) To regulate the use of firearms in cases of  
42 insurrection, riots and natural disasters in which the city finds  
43 such regulation necessary to protect the health and safety of the  
44 public. However, the provisions of this section shall not apply  
45 to the lawful possession of firearms in the home, place of  
46 business or in transit to and from the home or place of business;

47                    (e) To regulate the storage or transportation of  
48 explosives in order to protect the health and safety of the  
49 public, with the exception of black powder which is exempt up to  
50 twenty-five (25) pounds per private residence and fifty (50)  
51 pounds per retail dealer;

52                    (f) To regulate the carrying of a firearm at: (i) a  
53 public park or at a public meeting of a county, municipality or  
54 other governmental body; (ii) a political rally, parade or  
55 official political meeting; or (iii) a nonfirearm-related school,  
56 college or professional athletic event; or

57                    (g) To regulate the receipt of firearms by pawnshops.

58                    (2) The exception provided by subsection (1)(f) of this  
59 section does not apply if the firearm was in or carried to and  
60 from an area designated for use in a lawful hunting, fishing or

61 other sporting event and the firearm is of the type commonly used  
62 in the activity.

63        SECTION 2. (1) Except as otherwise provided in subsection  
64 (2) of this section, a public or private employer may not  
65 establish, maintain, or enforce any policy or rule that has the  
66 effect of prohibiting a person from transporting or storing a  
67 firearm in a locked vehicle in any parking lot, parking garage, or  
68 other designated parking area.

69        (2) A private employer may prohibit an employee from  
70 transporting or storing a firearm in a vehicle in a parking lot,  
71 parking garage, or other parking area the employer provides for  
72 employees if:

73           (a) The parking lot, garage, or other area is  
74 completely surrounded by a gate and fence and is not open to the  
75 public; and

76           (b) Ingress to and egress from the parking lot, garage,  
77 or other area is monitored by security personnel.

78        (3) This section does not authorize a person to transport or  
79 store a firearm on any premises where the possession of a firearm  
80 is prohibited by state or federal law.

81        SECTION 3. This act shall take effect and be in force from  
82 and after July 1, 2006.