

By: Representative McBride

To: Judiciary B

HOUSE BILL NO. 1141
(As Sent to Governor)

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 AND SPECIFY CERTAIN
4 IMMUNITY FOR EMPLOYERS WITH RESPECT TO THE TRANSPORTATION OR
5 STORAGE OF A FIREARM ON EMPLOYER'S PROPERTY; AND FOR RELATED
6 PURPOSES.

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

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

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

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

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

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

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

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

30 (ii) A center fire or rim fire rifle or pistol or
31 a muzzle-loading rifle or pistol of any caliber discharged:

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

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

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

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

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

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

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

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

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

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

70 (2) A private employer may prohibit an employee from
71 transporting or storing a firearm in a vehicle in a parking lot,
72 parking garage, or other parking area the employer provides for
73 employees to which access is restricted or limited through the use
74 of a gate, security station or other means of restricting or
75 limiting general public access onto the property.

76 (3) This section shall not apply to vehicles owned or leased
77 by an employer and used by the employee in the course of his
78 business.

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

82 (5) A public or private employer shall not be liable in a
83 civil action for damages resulting from or arising out of an
84 occurrence involving the transportation, storage, possession or
85 use of a firearm covered by this section.

86 **SECTION 3.** This act shall take effect and be in force from
87 and after July 1, 2006.