

By: Representatives Franks, Reeves

To: Judiciary A

HOUSE BILL NO. 882

1 AN ACT TO AMEND SECTION 97-37-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE PENALTIES FOR POSSESSION OF A CONCEALED WEAPON; TO AMEND
3 SECTION 97-37-5, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES FOR
4 FELONS POSSESSING WEAPONS; AND FOR RELATED PURPOSES.

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

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

8 97-37-1. (1) Except as otherwise provided in Section
9 45-9-101, any person who carries, concealed in whole or in part,
10 any bowie knife, dirk knife, butcher knife, switchblade knife,
11 metallic knuckles, blackjack, slingshot, pistol, revolver, or any
12 rifle with a barrel of less than sixteen (16) inches in length, or
13 any shotgun with a barrel of less than eighteen (18) inches in
14 length, machine gun or any fully automatic firearm or deadly
15 weapon, or any muffler or silencer for any firearm, whether or not
16 it is accompanied by a firearm, or uses or attempts to use against
17 another person any imitation firearm, shall upon conviction be
18 punished as follows:

19 (a) By a fine of not less than One Hundred Dollars
20 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
21 imprisonment in the county jail for not more than six (6) months,
22 or both, in the discretion of the court, for the first conviction
23 under this section.

24 (b) By a fine of not less than One Hundred Dollars
25 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and
26 imprisonment in the county jail for not less than thirty (30) days
27 nor more than six (6) months, for the second conviction under this
28 section.

29 (c) By confinement in the custody of the Department of
30 Corrections for not less than one (1) year nor more than five (5)
31 years, for the third or subsequent conviction under this section.

32 (d) By confinement in the custody of the Department of
33 Corrections for not less than one (1) year nor more than ten (10)
34 years for any person previously convicted of any felony who is
35 convicted under this section.

36 (2) It shall not be a violation of this section for any
37 person over the age of eighteen (18) years to carry a firearm or
38 deadly weapon concealed in whole or in part within the confines of
39 his own home or his place of business, or any real property
40 associated with his home or business or within any motor vehicle.

41 (3) It shall not be a violation of this section for any
42 person to carry a firearm or deadly weapon concealed in whole or
43 in part if the possessor of the weapon is then engaged in a
44 legitimate weapon-related sports activity or is going to or
45 returning from such activity. For purposes of this subsection,
46 "legitimate weapon-related sports activity" means hunting,
47 fishing, target shooting or any other legal sports activity which
48 normally involves the use of a firearm or other weapon.

49 **SECTION 2.** Section 97-37-5, Mississippi Code of 1972, is
50 amended as follows:

51 97-37-5. (1) It shall be unlawful for any person who has
52 been convicted of a felony under the laws of this state, any other
53 state, or of the United States to possess any firearm or any bowie
54 knife, dirk knife, butcher knife, switchblade knife, metallic
55 knuckles, blackjack, or any muffler or silencer for any firearm
56 unless such person has received a pardon for such felony, has
57 received a relief from disability pursuant to Section 925(c) of
58 Title 18 of the United States Code, or has received a certificate
59 of rehabilitation pursuant to subsection (3) of this section.

60 (2) Any person violating this section shall be guilty of a
61 felony and, upon conviction thereof, shall be * * * committed to

62 the custody of the State Department of Corrections for not less
63 than one (1) year nor more than ten (10) years * * *.

64 (3) A person who has been convicted of a felony under the
65 laws of this state may apply to the court in which he was
66 convicted for a certificate of rehabilitation. The court may
67 grant such certificate in its discretion upon a showing to the
68 satisfaction of the court that the applicant has been
69 rehabilitated and has led a useful, productive and law-abiding
70 life since the completion of his sentence and upon the finding of
71 the court that he will not be likely to act in a manner dangerous
72 to public safety.

73 **SECTION 3.** This act shall take effect and be in force from
74 and after July 1, 2007.