

By: Representatives Franks, Reeves

To: Judiciary A

HOUSE BILL NO. 882  
(As Sent to Governor)

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 *fined not more than*

62 *Five Thousand Dollars (\$5,000.00), or committed to the custody of*  
63 *the State Department of Corrections for not less than one (1) year*  
64 *nor more than ten (10) years, or both.*

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

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