

By: Representative Banks

To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1303

1 AN ACT TO AMEND SECTION 97-37-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT A SEIZED WEAPON SHALL BE RETURNED TO THE OWNER IF
3 CHARGES ARE DISMISSED OR THE DEFENDANT IS ACQUITTED; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 97-37-3, Mississippi Code of 1972, is
7 amended as follows:

8 97-37-3. (1) Any weapon used in violation of Section
9 97-37-1, or used in the commission of any other crime, shall be
10 seized by the arresting officer, may be introduced in evidence,
11 and in the event of a conviction, shall be ordered to be
12 forfeited, and shall be disposed of as ordered by the court having
13 jurisdiction of such offense. In the event of dismissal or
14 acquittal of charges, such weapon shall be returned to the owner.

15 (2) (a) If the weapon to be forfeited is merchantable, the
16 court may order the weapon forfeited to the seizing law
17 enforcement agency.

18 (b) A weapon so forfeited to a law enforcement agency
19 may be sold at auction as provided by Sections 19-3-85 and
20 21-39-21 to a federally-licensed firearms dealer, with the
21 proceeds from such sale at auction to be used to buy bulletproof
22 vests for the seizing law enforcement agency.

23 (3) The provisions of this section shall apply to any and
24 all law enforcement agencies, governmental entities and political
25 subdivisions.

26 **SECTION 2.** This act shall take effect and be in force from
27 and after July 1, 2007.