

By: Senator(s) Doxey

To: Judiciary, Division B

SENATE BILL NO. 2797

1 AN ACT TO AMEND SECTION 97-37-35, MISSISSIPPI CODE OF 1972,
2 TO ENHANCE THE PENALTY FOR A CONVICTED FELON CONVICTED OF
3 POSSESSING A STOLEN FIREARM; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-37-35, Mississippi Code of 1972, is
6 amended as follows:

7 97-37-35. (1) It is unlawful for any person knowingly or
8 intentionally to possess, receive, retain, acquire or obtain
9 possession or dispose of a stolen firearm or attempt to possess,
10 receive, retain, acquire or obtain possession or dispose of a
11 stolen firearm.

12 (2) It is unlawful for any person knowingly or intentionally
13 to sell, deliver or transfer a stolen firearm or attempt to sell,
14 deliver or transfer a stolen firearm.

15 (3) Any person convicted of violating this section shall be
16 guilty of a felony and shall be punished as follows:

17 (a) (i) For the first conviction, punishment by
18 commitment to the Department of Corrections for five (5) years;

19 (ii) For the first conviction of a convicted
20 felon, punishment by commitment to the Department of Corrections
21 for ten (10) years.

22 (b) For the second and subsequent convictions, the
23 offense shall be considered trafficking in stolen firearms
24 punishable by commitment to the Department of Corrections for not
25 less than fifteen (15) years.

26 (c) For a conviction where the offender possesses two
27 (2) or more stolen firearms, the offense shall be considered

28 trafficking in stolen firearms punishable by commitment to the
29 Department of Corrections for not less than fifteen (15) years.

30 (4) Any person who commits or attempts to commit any other
31 crime while in possession of a stolen firearm shall be guilty of a
32 separate felony of possession of a stolen firearm under this
33 section and, upon conviction thereof, shall be punished by
34 commitment to the Department of Corrections for five (5) years,
35 such term to run consecutively and not concurrently with any other
36 sentence of incarceration.

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