

By: Representatives Chism, Alday, Arnold, Baker, Beckett, Bell, Bounds, Boyd, Brown (20th), Byrd, Carpenter, Clark, Crawford, Currie, DeBar, Denny, Evans (43rd), Gipson, Guice, Howell, Huddleston (15th), Kinkade, Ladner, Martinson, Mims, Monsour, Morgan, Pigott, Rushing, Smith (39th), Staples, Steverson, Taylor, Turner, Willis, Zuber, Oberhausen

To: Judiciary A

HOUSE BILL NO. 139

1 AN ACT TO AMEND SECTION 45-9-53, MISSISSIPPI CODE OF 1972, TO
 2 PROHIBIT TAXPAYER-FUNDED GUN BUY-BACK/DESTRUCTION PROGRAMS; AND
 3 FOR RELATED PURPOSES.

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

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

7 45-9-53. (1) This section and Section 45-9-51 do not affect
 8 the authority that a county or municipality may have under another
 9 law:

10 (a) To require citizens or public employees to be armed
 11 for personal or national defense, law enforcement, or another
 12 lawful purpose;

13 (b) To regulate the discharge of firearms within the
 14 limits of the county or municipality. A county or municipality
 15 may not apply a regulation relating to the discharge of firearms
 16 or other weapons in the extraterritorial jurisdiction of the
 17 county or municipality or in an area annexed by the county or



18 municipality after September 1, 1981, if the firearm or other
19 weapon is:

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

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

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

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

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

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

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

39 (d) To regulate the use of firearms in cases of
40 insurrection, riots and natural disasters in which the city finds
41 such regulation necessary to protect the health and safety of the
42 public. However, the provisions of this section shall not apply



43 to the lawful possession of firearms in the home, place of
44 business or in transit to and from the home or place of business;

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

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

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

56 (2) The exception provided by subsection (1)(f) of this
57 section does not apply if the firearm was in or carried to and
58 from an area designated for use in a lawful hunting, fishing or
59 other sporting event and the firearm is of the type commonly used
60 in the activity.

61 (3) No county, municipality or other governmental body, or
62 an agent of a county, municipality or other governmental body, may
63 participate in any program in which individuals are given a thing
64 of value provided by another individual or other entity in
65 exchange for surrendering a firearm to the county, municipality or
66 other governmental body unless:



67 (a) No taxpayer money is used for any purpose in such
68 program;

69 (b) The county, municipality or other governmental body
70 has adopted a resolution, ordinance or rule authorizing the
71 participation of the county, municipality or other governmental
72 body, or participation by an agent of the county, municipality or
73 other governmental body, in such a program; and

74 (c) Any resolution, ordinance or rule enacted pursuant
75 to this section must require that any firearm received shall be
76 offered for sale at auction as provided by Sections 19-3-85 and
77 21-39-21 to federally-licensed firearms dealers, with the proceeds
78 from such sale at auction reverting to the general operating fund
79 of the county, municipality or other governmental body. Any
80 firearm remaining in possession of the county, municipality or
81 other governmental body after attempts to sell at auction may be
82 disposed of in a manner that the body deems appropriate.

83 **SECTION 2.** This act shall take effect and be in force from
84 and after July 1, 2014.

