

By: Representatives Chism, Arnold, Barton, Beckett, Bell, Bounds, Boyd, Brown (20th), Byrd, Carpenter, Crawford, Currie, DeBar, DeLano, Denny, Formby, Gipson, Guice, Gunn, Haney, Howell, Huddleston (15th), Ladner, Lamar, Lott, Martinson, Mims, Monsour, Moore, Morgan, Pigott, Powell, Read, Rogers (14th), Rushing, Smith (39th), Snowden, Staples, Taylor, Turner, White, Willis, Zuber, Baria, Moak, Bain, Miles, Patterson, Rogers (61st), Weathersby, Dixon

To: Judiciary A

HOUSE BILL NO. 485

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

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

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

