

By: Representative Mims

To: Judiciary A

HOUSE BILL NO. 708

1 AN ACT TO AMEND SECTION 45-9-53, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT LOCAL GOVERNMENTS FROM CONFISCATING WEAPONS FROM PERSONS
3 LEGALLY ENTITLED TO OWN OR POSSESS FIREARMS; AND FOR RELATED
4 PURPOSES.

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

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

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

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

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



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

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

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

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

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

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

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

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

41 (d) To regulate the use of firearms in cases of
42 insurrection, riots and natural disasters in which the city finds
43 such regulation necessary to protect the health and safety of the



44 public. However, the provisions of this section shall not apply
45 to the lawful possession of firearms in the home, place of
46 business or in transit to and from the home or place of business,
47 nor shall the provisions of this section authorize a county or
48 municipality to confiscate firearms from persons legally entitled
49 to own or possess firearms;

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

55 (f) To regulate the carrying of a firearm at: (i) a
56 public park or at a public meeting of a county, municipality or
57 other governmental body; (ii) a political rally, parade or
58 official political meeting; or (iii) a nonfirearm-related school,
59 college or professional athletic event; or

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

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

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

