

By: Representatives Criswell, Barnett, Boyd, Brown, Byrd, Carpenter, Foster, Hale, Hopkins, Scoggin, Steverson To: Judiciary A

HOUSE BILL NO. 633

1 AN ACT TO PROVIDE THAT ANY PERSON WHO OWNS A FIREARM IS
2 AUTHORIZED TO CARRY A FIREARM OR NOT PROHIBITED FROM CARRYING A
3 FIREARM AND WHO IS INJURED, SUFFERS BODILY INJURY OR DEATH, INCURS
4 ECONOMIC LOSS OR EXPENSE, PROPERTY DAMAGE OR ANY OTHER COMPENSABLE
5 LOSS AS THE RESULT OF CONDUCT OCCURRING ON PROPERTY WITH A WRITTEN
6 NOTICE THAT PROHIBITS FIREARMS, SHALL HAVE A CAUSE OF ACTION
7 AGAINST THE PERSON OR ENTITY THAT EXERCISES CONTROL OVER THE
8 PROPERTY ON WHICH SUCH WRITTEN NOTICE WAS POSTED; TO PROVIDE A
9 STATUTE OF LIMITATIONS FOR SUCH CAUSE OF ACTION; TO PROVIDE THE
10 CONDITIONS TO PREVAIL IN SUCH A CAUSE OF ACTION; AND FOR RELATED
11 PURPOSES.

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

13 **SECTION 1.** (1) (a) It is the intent of this section to
14 balance the right of self-defense of a person who is authorized to
15 carry a firearm or a person who is not prohibited from carrying a
16 firearm with the right of a property owner or entity that controls
17 property to exercise control of the property.

18 (b) Any person or entity who elects to prohibit the
19 carrying of firearms by a person who is authorized to carry a
20 firearm or a person who is not prohibited from carrying a firearm
21 shall assume absolute custodial responsibility for the safety and



22 defense of such unarmed person while the person is located on the
23 posted property.

24 (c) The responsibility of the person or entity posting
25 for the safety and defense of any person who is authorized to
26 carry a firearm or any person who is not prohibited from carrying
27 a firearm shall extend to the conduct of other invitees,
28 trespassers, employees of the person or entity, vicious animals,
29 wild animals, and defensible man-made and natural hazards.

30 (2) Any person who owns a firearm, is authorized to carry a
31 firearm or who is not prohibited from carrying a firearm and who
32 is injured, suffers bodily injury or death, incurs economic loss
33 or expense, property damage or any other compensable loss as the
34 result of conduct occurring on property with a written notice that
35 prohibits firearms, shall have a cause of action against the
36 person or entity that exercises control over the property on which
37 the written notice was posted. In addition to any other damages
38 authorized by law, the person shall be entitled to reasonable
39 attorney fees, expert witness costs, and other costs necessary to
40 bring the cause of action. For purposes of this section, the term
41 "firearm" means a gun, stun gun, pistol, revolver or other firearm
42 authorized by state or federal law.

43 (3) The statute of limitations for such an action shall be
44 two (2) years from the date of the occurrence of the conduct which
45 gave rise to any damages authorized by this act.



46 (4) Any notice or signage that prohibits firearms as
47 provided in subsection (2) of this section, shall also contain
48 language stating that any person who is authorized to carry a
49 firearm or who is not prohibited from carrying a firearm on the
50 posted property is under the custodial responsibility of the
51 posting person or entity. Failure of a sign to provide the
52 information required by this subsection does not reduce liability
53 for the person who exercises control over the property.

54 (5) To prevail in an action brought under this section, the
55 plaintiff must show by a preponderance of the evidence that:

56 (a) The plaintiff owned a firearm, was authorized to
57 carry a firearm or was not prohibited from carrying a firearm at
58 the time of the incident giving rise to the action;

59 (b) The plaintiff did not carry the firearm on the
60 property where the incident occurred because of the written notice
61 described in this act;

62 (c) The injury, death, economic loss or expense,
63 property damage or other compensable loss was caused as a result
64 of the conduct that occurred on the property and could have been
65 avoided if the plaintiff was authorized to carry their firearm
66 onto the property; and

67 (d) The person or entity exercising control over the
68 property was not required by state or federal law to post the
69 notice, but posted the notice by choice of the defendant.



70 (6) This section shall be liberally construed to effectuate
71 its purpose.

72 **SECTION 2.** This act shall take effect and be in force from
73 and after July 1, 2017.

