

By: Representative Burnett

To: Judiciary B

HOUSE BILL NO. 1214

1 AN ACT TO AMEND SECTION 97-37-5, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE ANY PERSON CONVICTED OF A NONVIOLENT FELONY TO POSSESS
3 FIREARMS; AND FOR RELATED PURPOSES.

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

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

7 97-37-5. (1) (a) Except as otherwise provided in paragraph
8 (b) of this section, it shall be unlawful for any person who has
9 been convicted of a felony under the laws of this state, any other
10 state, or of the United States to possess any firearm or any bowie
11 knife, dirk knife, butcher knife, switchblade knife, metallic
12 knuckles, blackjack, or any muffler or silencer for any firearm
13 unless such person has received a pardon for such felony, has
14 received a relief from disability pursuant to Section 925(c) of
15 Title 18 of the United States Code, or has received a certificate
16 of rehabilitation pursuant to subsection (3) of this section.

17 (b) It shall be lawful for any person who has been
18 convicted of a nonviolent felony under the laws of this state, any



19 other state, or of the United States to possess any firearm or any
20 bowie knife, dirk knife, butcher knife, switchblade knife,
21 metallic knuckles, blackjack, or any muffler or silencer in such
22 person's residence or motor vehicle. The provisions of this
23 paragraph shall only apply if the person is able to prove that he
24 or she resides in the home or owns the motor vehicle in which the
25 firearm, bowie knife, dirk knife, butcher knife, switchblade
26 knife, metallic knuckles, blackjack, muffler or silencer is
27 located.

28 (2) Any person violating this section shall be guilty of a
29 felony and, upon conviction thereof, shall be fined not more than
30 Five Thousand Dollars (\$5,000.00), or committed to the custody of
31 the State Department of Corrections for not less than one (1) year
32 nor more than ten (10) years, or both.

33 (3) A person who has been convicted of a felony under the
34 laws of this state may apply to the court in which he was
35 convicted for a certificate of rehabilitation. The court may
36 grant such certificate in its discretion upon a showing to the
37 satisfaction of the court that the applicant has been
38 rehabilitated and has led a useful, productive and law-abiding
39 life since the completion of his sentence and upon the finding of
40 the court that he will not be likely to act in a manner dangerous
41 to public safety.

42 (4) (a) A person who is discharged from court-ordered
43 mental health treatment may petition the court which entered the



44 commitment order for an order stating that the person qualifies
45 for relief from a firearms disability.

46 (b) In determining whether to grant relief, the court
47 must hear and consider evidence about:

48 (i) The circumstances that led to imposition of
49 the firearms disability under 18 * * * USCS, Section 922(d)(4);

50 (ii) The person's mental history;

51 (iii) The person's criminal history; and

52 (iv) The person's reputation.

53 (c) A court may not grant relief unless it makes and
54 enters in the record the following affirmative findings:

55 (i) That the person is no longer likely to act in
56 a manner dangerous to public safety; and

57 (ii) Removing the person's disability to purchase
58 a firearm is not against the public interest.

59 **SECTION 2.** This act shall take effect and be in force from
60 and after July 1, 2018.

