

By: Representatives Sanford, Reynolds

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 782

1 AN ACT TO AMEND SECTION 97-37-5, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE A CERTIFICATE OF REHABILITATION FOR A PERSON WHO WAS  
3 CONVICTED OF FELONY OUT OF STATE OR WHO WAS CONVICTED UNDER  
4 FEDERAL LAW; AND FOR RELATED PURPOSES.

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

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

8 97-37-5. (1) 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 (2) Any person violating this section shall be guilty of a  
18 felony and, upon conviction thereof, shall be fined not more than  
19 Five Thousand Dollars (\$5,000.00), or committed to the custody of



the State Department of Corrections for not less than one (1) year nor more than ten (10) years, or both.

(3) A person who has been convicted of a felony under the laws of this state or any other state or of a federal crime may apply to the court in which he was convicted or in the court of the person's residence if the person was convicted out of state for a certificate of rehabilitation. A person who has been convicted of a felony in another state or of a federal crime shall attach a certified copy of his or her judgment and a certified copy of his or her completion of sentence to the petition for a certificate of rehabilitation. The court may grant such certificate in its discretion upon a showing to the satisfaction of the court that the applicant has been rehabilitated and has led a useful, productive and law-abiding life since the completion of his sentence and upon the finding of the court that he will not be likely to act in a manner dangerous to public safety.

(4) (a) A person who is discharged from court-ordered mental health treatment may petition the court which entered the commitment order for an order stating that the person qualifies for relief from a firearms disability.

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

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

(ii) The person's mental history;



45                   (iii) The person's criminal history; and  
46                   (iv) The person's reputation.  
47           (c) A court may not grant relief unless it makes and  
48 enters in the record the following affirmative findings:  
49                   (i) That the person is no longer likely to act in  
50 a manner dangerous to public safety; and  
51                   (ii) Removing the person's disability to purchase  
52 a firearm is not against the public interest.  
53       **SECTION 2.** This act shall take effect and be in force from  
54 and after July 1, 2020.

