

By: Representative Williams-Barnes

To: Judiciary B

HOUSE BILL NO. 839

1 AN ACT TO AMEND SECTION 97-37-5, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT ANY PERSON CONVICTED OF DOMESTIC VIOLENCE FROM CARRYING A
3 WEAPON; 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) It shall be unlawful for any person who has
8 been convicted of domestic violence or a felony under the laws of
9 this state, any other state, or of the United States to possess
10 any firearm or any bowie knife, dirk knife, butcher knife,
11 switchblade knife, metallic knuckles, blackjack, or any muffler or
12 silencer for any firearm unless such person has received a pardon
13 for such felony, has received a relief from disability pursuant to
14 Section 925(c) of Title 18 of the United States Code, or has
15 received a certificate of rehabilitation pursuant to subsection
16 (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
20 the State Department of Corrections for not less than one (1) year
21 nor more than ten (10) years, or both.

22 (3) A person who has been convicted of a felony under the
23 laws of this state may apply to the court in which he was
24 convicted for a certificate of rehabilitation. The court may
25 grant such certificate in its discretion upon a showing to the
26 satisfaction of the court that the applicant has been
27 rehabilitated and has led a useful, productive and law-abiding
28 life since the completion of his sentence and upon the finding of
29 the court that he will not be likely to act in a manner dangerous
30 to public safety.

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

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

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

39 (ii) The person's mental history;

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

41 (iv) The person's reputation.

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



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

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

48 **SECTION 2.** This act shall take effect and be in force from
49 and after July 1, 2020.

