

By: Representatives Sanford, Reynolds,
Tullos, Owen

To: Judiciary B

HOUSE BILL NO. 350

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



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

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

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

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



45 (ii) The person's mental history;
46 (iii) The person's criminal history; and
47 (iv) The person's reputation.
48 (c) A court may not grant relief unless it makes and
49 enters in the record the following affirmative findings:
50 (i) That the person is no longer likely to act in
51 a manner dangerous to public safety; and
52 (ii) Removing the person's disability to purchase
53 a firearm is not against the public interest.
54 **SECTION 2.** This act shall take effect and be in force from
55 and after July 1, 2021.

