

By: Representatives Gibbs (72nd), Holloway, To: Judiciary B
Bell (65th), Brown (70th), Crudup, Foster,
McCray, Straughter, Watson, Yates

HOUSE BILL NO. 854

1 AN ACT TO AMEND SECTION 97-15-13, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE PENALTIES FOR DISCHARGE OF A FIREARM AND INCLUDE
3 AREAS ZONED AS RESIDENTIAL; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-15-13, Mississippi Code of 1972, is
6 amended as follows:

7 97-15-13. (1) (a) The provisions of this subsection shall
8 only be applicable during the calendar days included in the open
9 seasons on deer and turkey.

10 (b) It shall be unlawful for any person to hunt, if
11 such person is in the possession of a firearm that is not unloaded
12 on any street, public road, public highway, levee, or any railroad
13 which is maintained by any railroad corporation, city, county,
14 levee board, state or federal entity or the right-of-way of any
15 such street, road, highway, levee or railroad.

16 (c) The provisions of this subsection shall not apply
17 to any person engaged in a lawful action to protect his property
18 or livestock.



(2) For purposes of this section, the following terms shall have the meanings ascribed to them herein:

(a) "Right-of-way" means that part of a street, public road, public highway, levee or railroad maintained by a city, county, levee board, state or federal entity or railroad corporation and including that portion up to the adjacent property line or fence line.

(b) "Motorized vehicle" means any vehicle powered by any type of motor, including automobiles, farm vehicles, trucks, construction vehicles and all-terrain vehicles.

(c) "Firearm" means any firearm other than a handgun.

(d) "Hunt" or "hunting" means to hunt or chase or to shoot at or kill or to pursue with the intent to take, kill or wound any wild animal or wild bird with a firearm as defined in this subsection.

(e) "Unloaded" means that a cartridge or shell is not positioned in the barrel or magazine of the firearm or in a clip, magazine or retainer attached to the firearm; or in the case of a caplock muzzle-loading firearm, "unloaded" means that the cap has been removed; or in the case of a flintlock muzzle-loading firearm, "unloaded" means that all powder has been removed from the flashpan.

(3) If any person hunts or discharges any firearm in, on or across any street, public road, public highway, levee, railroad, area zoned by a municipality or county as residential or the



right-of-way thereof, such person is guilty of a * * * felony and,
upon conviction, shall be punished by a fine not less than * * *
Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars
(\$2,000.00) or by imprisonment in the * * * custody of the
Department of Corrections for not * * * more than two (2) years,
or by both such fine and imprisonment. This subsection shall not
apply to any law enforcement officer while in the performance of
his official duty or to any person engaged in a lawful action of
self-defense.

(4) If any person shall willfully shoot any firearms or hurl
any missile at any street, highway or railroad traffic light;
street, highway or railroad marker or other sign for the
regulation or designation of street, highway or railroad travel,
such person, upon conviction, shall be fined not less than * * *
Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars
(\$2,000.00), or be imprisoned * * * in the custody of the
Department of Corrections not more than two (2) years, or both.

(5) It shall be the duty of all sheriffs, deputy sheriffs,
constables, conservation officers and peace officers of this state
to enforce the provisions of this section.

(6) If any subsection, paragraph, sentence, clause, phrase
or any part of this section is hereafter declared to be
unconstitutional or void, or if for any reason is declared to be
invalid or of no effect, the remaining subsections, paragraphs,



68 sentences, clauses, phrases or parts thereof shall be in no manner
69 affected thereby but shall remain in full force and effect.

70 **SECTION 2.** This act shall take effect and be in force from
71 and after July 1, 2021.

