

By: Representative Burnett

To: Judiciary B

HOUSE BILL NO. 926

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 AND USE FIREARMS AND DEADLY WEAPONS TO DEFEND HIS OR HER HOME OR
4 CAR; 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) (a) Except as otherwise provided in paragraph
9 (b) of this section, it shall be unlawful for any person who has
10 been convicted of a felony under the laws of this state, any other
11 state, or of the United States to possess any firearm or any bowie
12 knife, dirk knife, butcher knife, switchblade knife, metallic
13 knuckles, blackjack, or any muffler or silencer for any firearm
14 unless such person has received a pardon for such felony, has
15 received a relief from disability pursuant to Section 925(c) of
16 Title 18 of the United States Code, or has received a certificate
17 of rehabilitation pursuant to subsection (3) of this section.

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



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

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

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

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



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

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

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

51 (ii) The person's mental history;

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

53 (iv) The person's reputation.

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

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

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

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

