

By: Representative Miles

To: Constitution; Judiciary
B

HOUSE BILL NO. 125

1 AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM OR WEAPON
2 WITHIN 1500 FEET OF A SCHOOL OR CHURCH; TO PROVIDE THE PENALTY FOR
3 VIOLATION OF SUCH; TO AMEND SECTION 45-9-57, MISSISSIPPI CODE OF
4 1972, TO CONFORM TO THE PRECEDING SECTION; TO BRING FORWARD
5 SECTION 97-15-13, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR
6 DISCHARGE OF WEAPONS ON STREETS AND ROADWAYS, FOR PURPOSES OF
7 AMENDMENT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Except as otherwise provided in this section, any
10 person who discharges a firearm or weapon in or on, or within one
11 thousand five hundred (1,500) feet of, a building or outbuilding
12 which is all or part of a public or private elementary, vocational
13 or secondary school, or any church, public park, ballpark, public
14 gymnasium, youth center or movie theater or within one thousand
15 (1,000) feet of, the real property comprising such public or
16 private elementary, vocational or secondary school, or any church,
17 public park, ballpark, public gymnasium, youth center or movie
18 theater shall, upon conviction thereof, be guilty of a misdemeanor
19 and punished by a fine of Five Hundred Dollars (\$500.00).



20 **SECTION 2.** Section 45-9-57, Mississippi Code of 1972, is
21 amended as follows:

22 45-9-57. A county may regulate the discharge of any firearm
23 or weapon, other than a BB gun, within any platted subdivision.
24 However, no county may prohibit the discharge of any firearm or
25 weapon on land, if such firearm or weapon is discharged in a
26 manner in violation of Section 1 of this act and not reasonably
27 expected to cause a projectile from such firearm or weapon to
28 travel across any property line without permission of the property
29 owner.

30 **SECTION 3.** Section 97-15-13, Mississippi Code of 1972, is
31 brought forward as follows:

32 97-15-13. (1) (a) The provisions of this subsection shall
33 only be applicable during the calendar days included in the open
34 seasons on deer and turkey.

35 (b) It shall be unlawful for any person to hunt, if
36 such person is in the possession of a firearm that is not unloaded
37 on any street, public road, public highway, levee, or any railroad
38 which is maintained by any railroad corporation, city, county,
39 levee board, state or federal entity or the right-of-way of any
40 such street, road, highway, levee or railroad.

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



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

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

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

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

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

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

66 (3) If any person hunts or discharges any firearm in, on or
67 across any street, public road, public highway, levee, railroad or
68 the right-of-way thereof, such person is guilty of a misdemeanor



69 and, upon conviction, shall be punished by a fine not less than
70 One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
71 (\$500.00) or by imprisonment in the county jail for not less than
72 sixty (60) days nor more than six (6) months, or by both such fine
73 and imprisonment. This subsection shall not apply to any law
74 enforcement officer while in the performance of his official duty
75 or to any person engaged in a lawful action of self-defense.

76 (4) If any person shall willfully shoot any firearms or hurl
77 any missile at any street, highway or railroad traffic light;
78 street, highway or railroad marker or other sign for the
79 regulation or designation of street, highway or railroad travel,
80 such person, upon conviction, shall be fined not less than One
81 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
82 (\$500.00), or be imprisoned not longer than thirty (30) days in
83 the county jail, or both.

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

87 (6) If any subsection, paragraph, sentence, clause, phrase
88 or any part of this section is hereafter declared to be
89 unconstitutional or void, or if for any reason is declared to be
90 invalid or of no effect, the remaining subsections, paragraphs,
91 sentences, clauses, phrases or parts thereof shall be in no manner
92 affected thereby but shall remain in full force and effect.



93 **SECTION 4.** This act shall take effect and be in force from
94 and after July 1, 2022.

