

By: Representative Burnett

To: Judiciary B;  
Constitution

HOUSE BILL NO. 187

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 FIREARMS; 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) (a) Except as otherwise provided in paragraph  
8 (b) of this section, 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 (b) It shall be lawful for any person who has been convicted  
18 of a nonviolent felony under the laws of this state, any other



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

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

33 (3) A person who has been convicted of a felony under the  
34 laws of this state, under the laws of another state, under federal  
35 law or in state military court may apply for a certificate of  
36 rehabilitation as provided in this section. If the person was  
37 convicted of a felony under the laws of this state, he or she may  
38 apply to the court in which he was convicted for a certificate of  
39 rehabilitation. If the person was convicted of a felony under the  
40 laws of another state, under federal law or in state military  
41 court, he or she may apply to the court in the person's county of  
42 residence for a certificate of rehabilitation. A person convicted  
43 of a felony under the laws of another state, under federal law or



44 in state military court shall attach a certified copy of his or  
45 her judgment and a certified copy of his or her completion of  
46 sentence to the petition for a certificate of rehabilitation. The  
47 court may grant such certificate in its discretion upon a showing  
48 to the satisfaction of the court that the applicant has been  
49 rehabilitated and has led a useful, productive and law-abiding  
50 life since the completion of his or her sentence and upon the  
51 finding of the court that he or she will not be likely to act in a  
52 manner dangerous to public safety.

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

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

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

61 (ii) The person's mental history;

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

63 (iv) The person's reputation.

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

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



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

70 **SECTION 2.** This act shall take effect and be in force from  
71 and after July 1, 2022.

