

By: Representative Horan

To: Judiciary B

HOUSE BILL NO. 1333

1 AN ACT TO AMEND SECTION 97-37-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PENALTIES FOR POSSESSION OF DANGEROUS WEAPONS BY A
3 FELON; 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) It shall be unlawful for any person who has
8 been convicted of a felony under the laws of this state, any other
9 state, or of the United States to possess any firearm or any bowie
10 knife, dirk knife, butcher knife, switchblade knife, metallic
11 knuckles, blackjack, or any muffler or silencer for any firearm
12 unless such person has received a pardon for such felony, has
13 received a relief from disability pursuant to Section 925(c) of
14 Title 18 of the United States Code, or has received a certificate
15 of rehabilitation pursuant to subsection (3) of this section.

16 (2) Any person violating this section shall be guilty of a
17 misdemeanor for a first offense and, upon conviction, shall be
18 fined not more than Five Hundred Dollars (\$500.00) and for a



19 second or subsequent violation shall be guilty of a felony and,
20 upon conviction * * *, shall be fined not more than Five Thousand
21 Dollars (\$5,000.00), or committed to the custody of the State
22 Department of Corrections for not less than one (1) year nor more
23 than ten (10) years, or both.

24 (3) A person who has been convicted of a felony under the
25 laws of this state, under the laws of another state, under federal
26 law or in state military court may apply for a certificate of
27 rehabilitation as provided in this section. If the person was
28 convicted of a felony under the laws of this state, he or she may
29 apply to the court in which he was convicted for a certificate of
30 rehabilitation. If the person was convicted of a felony under the
31 laws of another state, under federal law or in state military
32 court, he or she may apply to the court in the person's county of
33 residence for a certificate of rehabilitation. A person convicted
34 of a felony under the laws of another state, under federal law or
35 in state military court shall attach a certified copy of his or
36 her judgment and a certified copy of his or her completion of
37 sentence to the petition for a certificate of rehabilitation. The
38 court may grant such certificate in its discretion upon a showing
39 to the satisfaction of the court that the applicant has been
40 rehabilitated and has led a useful, productive and law-abiding
41 life since the completion of his or her sentence and upon the
42 finding of the court that he or she will not be likely to act in a
43 manner dangerous to public safety.



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

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

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

52 (ii) The person's mental history;

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

54 (iv) The person's reputation.

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

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

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

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

