

By: Senator(s) Younger

To: Judiciary, Division B

SENATE BILL NO. 2547

1 AN ACT TO CRIMINALIZE THE DISCHARGE OF A FIREARM WITHIN OR
 2 INTO THE LIMITS OF ANY MUNICIPALITY; TO PROVIDE THAT A PERSON
 3 CONVICTED OF DISCHARGING A FIREARM WITHIN OR INTO THE LIMITS OF
 4 ANY MUNICIPALITY MAY BE SENTENCED FOR A MISDEMEANOR UNDER CERTAIN
 5 CIRCUMSTANCES; TO PROVIDE EXCEPTIONS TO THE CRIME; TO DEFINE
 6 TERMS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** (1) (a) A person who with criminal negligence
 9 discharges a firearm within or into the limits of any municipality
 10 is guilty of a felony. Upon conviction, the defendant shall be
 11 fined up to One Thousand Dollars (\$1,000.00) or imprisoned for a
 12 term of years not exceeding two (2) years, or both.

13 (b) Under this subsection (1), if a person is convicted
 14 of a felony and if the court, either upon acceptance of a
 15 prosecutor's recommendation or having regard to the nature and
 16 circumstances of the crime and to the history and character of the
 17 defendant, is of the opinion that it would be unduly harsh to
 18 sentence the defendant for a felony, the court may enter judgment
 19 of conviction for a misdemeanor or may place the defendant on
 20 probation in accordance with Chapter 7 of Title 47, Mississippi



21 Code of 1972, and refrain from designating the offense as a felony
22 or misdemeanor until the probation is terminated. The offense
23 shall be treated as a felony for all purposes until such time as
24 the court may actually enter an order designating the offense a
25 misdemeanor. This paragraph (b) does not apply to any person who
26 stands convicted of a felony under this subsection (1) and who has
27 previously been convicted of two (2) or more felonies. Upon
28 sentencing as a misdemeanor under this paragraph (b), the court
29 may fine the defendant up to Five Hundred Dollars (\$500.00) or
30 imprison the defendant for a term of six (6) months in the county
31 jail, or both.

32 (2) This section does not apply if the firearm is
33 discharged:

34 (a) As allowed pursuant to Section 97-3-15;

35 (b) On a properly supervised range;

36 (c) To lawfully take wildlife as provided for in
37 Chapter 7 of Title 49, Mississippi Code of 1972, and in the rules
38 and regulations of the Mississippi Department of Wildlife,
39 Fisheries, and Parks. This paragraph (c) does not prevent a city,
40 town or county from adopting an ordinance or rule restricting the
41 discharge of a firearm within one-fourth (1/4) mile of an occupied
42 structure without the consent of the owner or occupant of the
43 structure;



44 (d) For the control of nuisance wildlife by permit from
45 the Mississippi Department of Wildlife, Fisheries, and Parks or
46 the United States Fish and Wildlife Service;

47 (e) By special permit of the chief of police of the
48 municipality;

49 (f) As required by an animal control officer in the
50 performance of his or her duties;

51 (g) Using blanks;

52 (h) More than one (1) mile from any occupied structure;
53 or

54 (i) In self-defense or defense of another person
55 against an animal attack if a reasonable person would believe that
56 deadly physical force against the animal is immediately necessary
57 and reasonable under the circumstances to protect oneself or the
58 other person.

59 (3) For the purposes of this section:

60 (a) "Municipality" means any city or town and includes
61 any property that is fully enclosed within the city or town.

62 (b) "Properly supervised range" means a range that is
63 any of the following:

64 (i) Operated by a club affiliated with the
65 National Rifle Association of America, the Amateur Trapshooting
66 Association, the National Skeet Shooting Association or any other
67 nationally recognized shooting organization or by any public or
68 private school;



69 (ii) Approved by any agency of the federal
70 government, this state or a county or city within which the range
71 is located; or

72 (iii) Operated with adult supervision for shooting
73 air or carbon dioxide gas operated guns or for shooting in
74 underground ranges on private or public property.

75 (c) "Occupied structure" means any building, object,
76 vehicle, watercraft, aircraft or place with sides and a floor that
77 is separately securable from any other structure attached to it,
78 that is used for lodging, business, transportation, recreation or
79 storage and in which one or more human beings either are or are
80 likely to be present or so near as to be in equivalent danger at
81 the time the discharge of a firearm occurs. Occupied structure
82 includes any dwelling house, whether occupied, unoccupied or
83 vacant.

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

